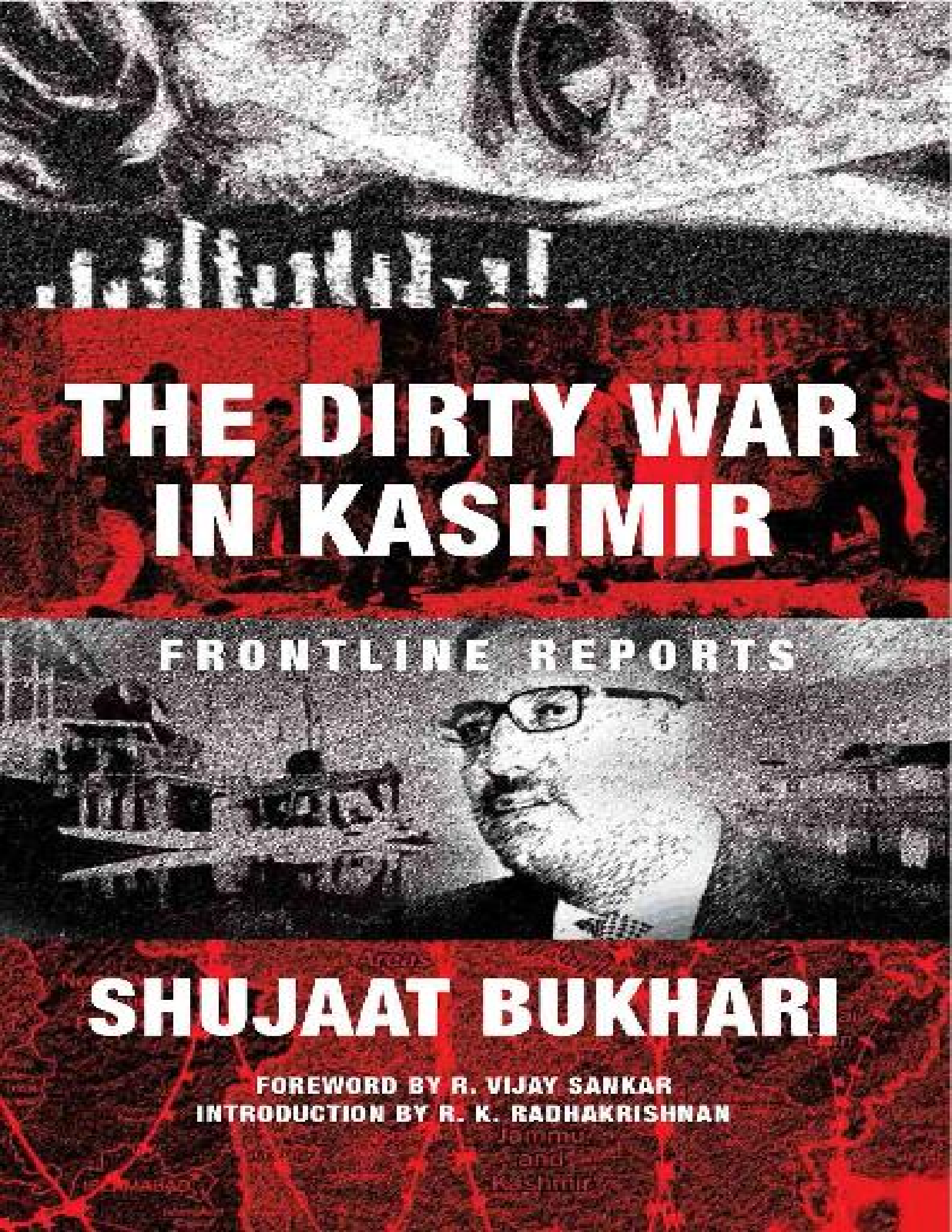




THE DIRTY WAR IN KASHMIR

FRONTLINE REPORTS



SHUJAAT BUKHARI

FOREWORD BY R. VIJAY SANKAR
INTRODUCTION BY R. K. RADHAKRISHNAN

SHUJAAT BUKHARI (1968-2018) was a journalist based in Srinagar (Jammu and Kashmir). He was the Srinagar correspondent for *Frontline* and was the editor of *Rising Kashmir*. Between 1997 and 2012, he was a correspondent for *The Hindu*. Shujaat started the Urdu daily *Buland Kashmir* and the Urdu weekly *Kashmir Parcham* as well as the Kashmiri language paper *Sangarmal*. He was president of the Abadi Markaz Kamraz, a literary forum to promote the Kashmiri language. An honest and well-informed journalist, Shujaat survived three assassination attempts before he was brutally gunned down outside his office on June 14, 2018. He is survived by his wife Tahmeena and two children.

The Dirty War in Kashmir

Shujaat Bukhari

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Frontline Reports

Foreword by R. Vijaya Sankar

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Contents

[Shujaat's voice](#)

by R. Vijaya Sankar

[Shujaat Bukhari: A man of peace](#)

by R.K. Radhakrishnan

[THE DIRTY WAR IN KASHMIR](#)

[Simmering Valley](#)

[Total alienation](#)

[Facts of a 'dirty war'](#)

[Chilling act](#)

[Tinderbox petition](#)

[Might is right](#)

[Mission without mandate](#)

[Shopian and the fault lines](#)

[Uneasy spring](#)

[Disturbing Division](#)

Shujaat's voice

R. Vijaya Sankar At a recent interaction of some senior journalists with a batch of student-journalists recruited by *Ananda Vikatan*, a leading Tamil weekly, as part of its 35-year-long training programme, a young man stood up and posed this question: 'What security do journalists have in the line of duty?' His concern emanated from the recent instances of coldblooded murder of journalists in India. 'Courage is the only armour that a journalist has when his/her detractors choose to take up the gun as an answer to media criticism.' This was the reply given by one of the senior journalists who attended that session. This is especially true of journalists working in a region of multiple conflicts – between terrorism and state terror and between a state that failed to keep its promises and a population that is getting increasingly alienated from it.

The names that immediately come to one's mind in this context in India are Kashmir and Syed Shujaat Bukhari. The 50-year-old journalist was shot by motorcycle-borne gunmen in Srinagar (Jammu and Kashmir) on the evening of June 14 as he was leaving the office of *Rising Kashmir*, a broadsheet he founded in 2012.

As a colleague who had interacted with Shujaat over the phone for close to a decade until three days before his assassination, I had never detected a trace of fear or trepidation or caution in his voice that one would normally associate with a person living dangerously in a region which, as The Hindu Group's Chairman N. Ram put it, is full of 'dangers and traps'. My surprise only increased during our two meetings in the past three years, the last one in December 2017 when he visited *Frontline's* office with his wife. He was full of cheer, passion for his profession and concern and love for the people of Kashmir, who have been facing a cruel dilemma of the kind Matthew

Arnold expressed through these immortal lines, ‘Wandering being caught between two worlds, one dead, the other powerless to be born, with nowhere yet to rest my [their] head.’

Shujaat’s association with *Frontline* began during his days as *The Hindu*’s Kashmir correspondent between September 1, 1997 and March 31, 2012. The association had grown stronger since 2013. As pointed out by John Cherian, the magazine’s world affairs specialist and former chief of the New Delhi bureau, we asked Shujaat to do the lead article for a cover story in the context of the hanging of Mohammed Afzal Guru, an accused in the Parliament building attack case, on February 9, 2013. At short notice he wrote an incisive piece. Since then, Shujaat started working virtually as *Frontline*’s Srinagar correspondent. Even as I thought of covering a new development on Kashmir, there would be a phone call or a WhatsApp message, telepathic as it were, from him expressing his wish to write (sometimes taking the liberty of insisting on a write-up depending on the urgency of the situation). I could say confidently that not a single coverage of Kashmir in *Frontline* went without his by-line.

Shujaat’s objectivity, despite his deep involvement in many peace initiatives involving associations and negotiations with various players, through conferences and meetings in India and abroad, was best summed up by Ram, who was Editor-in-Chief of The Hindu Group of Publications during Shujaat’s tenure as a correspondent for the group. Paying tribute to Shujaat in an interview to NDTV a few hours after the assassination, Ram said, ‘He was not a government’s man. He was not an establishment’s man. Nor was he in sympathy with the extremist elements . . . He was a voice for a just solution, however difficult that is going to be in Jammu and Kashmir.’

Shujaat’s is a voice that I would miss personally and professionally. I am sure this volume, a collection of articles that Shujaat wrote for *Frontline*, will go some way in assuaging the sense of loss that his family, colleagues and friends have and offer insights into the ways and means to bring about lasting peace in the valley – a cause for which Shujaat lived and died.

Shujaat Bukhari: A man of peace

R.K. Radhakrishnan In May 1997, a group of journalists who had completed the first leg of the War Correspondents' Course training at the Indian Army's Military Intelligence School, Pune, were posing proudly with their certificates. Shujaat Bukhari and I were part of that course – renamed Defence Correspondents' Course by the Ministry of Defence (MoD), though much of the Armed Forces continued to call it the WCC. It was still early days of such training; we were the second batch of the MoD course.

Shujaat took the certificate from acting Commandant Brigadier Sharabjit Singh and stared at it for a while. The banner on the certificate read 'Military Intelligence School and Depot'. 'I cannot take this home,' said Shujaat.

'This will be enough to brand me an Indian agent,' he added. For us, it was the first insight into Kashmir. A few of us from the course approached him because his statement seemed too short and abrupt. My first class on Kashmir was that evening: at the bar of Int. School, which served rum at Rs 3.85 a peg. Shujaat, a teetotaler, patiently answered each of our questions.

Later that summer, Shujaat would refuse to participate in the battle inoculation exercises. The journalists had to crawl along a trench for about 20 metres even as medium machine guns opened up a few safe feet over us. 'This is almost a daily event in many parts of Kashmir,' he said when asked why he did not participate in the exercise.

In some ways, this is how Shujaat narrated the life he lived to many of us. Pankaj Maniktala, now a senior journalist from Nagpur, was part of the same course. He remembers how 'during the course each time a senior Army officer addressed us or engaged with us informally, Shujaat would ask probing questions. He would know when and where the officer served in Kashmir, the officer's predecessor and successor in the post in the Valley and

would ask specific questions about the conduct of the Army during the tenure of the officer'. 'This made some of the officers uncomfortable. But Shujaat always allowed the officer some leeway. It was almost like saying *nothing is ever forgotten in the Valley*,' Maniktala added.

Never a theoretician, Shujaat's learning came from the Valley's troubles. He remained open to engaging with all shades of opinion, and often sought to meet officers from the Security Forces to discuss Kashmir. In fact, when he was in Chennai in 2002, he made it a point to call on K. Vijay Kumar, a Tamil Nadu cadre IPS officer who was posted during 1998-2000 as Inspector General of the Border Security Force in Srinagar. I was part of that meeting. Some of Vijay Kumar's popularity in the Valley can be traced to the fact that he invited local journalists to be part of combing operations at the height of the militancy.

Shujaat insisted that the rest of India understand the Kashmir issue in a holistic perspective. Thus was born the Kashmir Initiative Group made up of informed people who travelled across India and debated Kashmir: this was a remarkably inclusive forum with representation from Ladakh and Jammu as well as the Kashmir Valley. In December 2017, the group of seven speakers from a range of professions (academia, civil society, trade, industry and the student community), all from Srinagar and Jammu, interacted with people in three cities in south India.

Shujaat had been working on this Initiative from 2013. In March that year, as soon as I moved back to India from Sri Lanka, he wrote to me, 'This is the right time [to take an initiative in Kashmir] as the situation has taken a complete drift after Afzal Guru's hanging. There is complete disconnect between New Delhi and Srinagar and no hope is in sight for any reconciliation for the time being. Meanwhile, the loss of lives has caused a deep wound in the psyche of the people. If this trend continues the situation can take an irreversible turn. I suggest . . . a panel discussion with all stakeholders in which people like Mirwaiz Umar, Yasin Malik and some civil society members take part. It could be an interface with some policy makers, civil society members and members from academia and intelligentsia in New Delhi to at least sensitize the government. Hope it works.' I was of no

great help because of the constraints that I was placed under. Shujaat did it on his own three years later.

Shujaat could understand and connect with people who were involved in any tragedy. Soon after the Chennai floods of December 2015, he repeatedly called to check on me, and once the danger receded, asked me what he should do. After consulting two non-governmental organizations, I sent him a list of things required which fit his budget. The response was prompt: everything required landed in Chennai in a week.

Shujaat was of the view that the Kashmir story should be told by a Kashmiri; and it did not matter on which side of the border that person was. The Indian and Pakistani versions had a spin that was all too familiar. Realizing the importance of disseminating factual information about Kashmir, Shujaat was always willing to help out news organizations outside Kashmir to locate a contributor. After all, more than a generation of journalists had lived under threat and the constant reminder that that very morning could be the last. 'He had helped many journalists in the Valley. When we [at *Hitavada*] were looking for a contributor, he chose a journalist for us, who was very balanced in all he wrote,' recalls Maniktala.

Shujaat never lost his cool, as his friend and long-time photographer, Nissar Ahmed concurs, 'I have never seen him lose his temper or be rude to anyone. He was a very kind-hearted man.' Nissar is resigned to the fact that Shujaat's killing will once again spiral the violence out of control and push the Valley back by a few decades. He fears for lives and livelihoods and points to both Jammu and Leh, which have been savouring the fruits of development. 'We have seen how things can improve. Shujaat *saab* worked hard for that. But again, suddenly, we have no one of that stature to push things,' he lamented.

Shujaat's brother, and a Minister in the PDP-BJP cabinet, Basharat Bukhari, was categorical that he and his brother never discussed matters concerning Shujaat's newspaper at home. If that were the case, then there would have been no question of State government advertisements being stopped for *Rising Kashmir*. 'As a brother, he always listened to me. But I have never interfered or offered suggestions on how he should run the newspaper. We kept it that way, and it worked well for both of us,' he told me

in his village, Kreeri, even as he received guests, coming in more than a week after Shujaat was assassinated. Basharat, 52, who was once a journalist and had worked for the All India Radio before he decided to become a politician, said that he did not intervene even when Shujaat had written something bad about government functioning. 'It was discussed, and I learnt from him his viewpoint,' he said.

In 2016, when Shujaat was in Chennai for a lecture at the Asian College of Journalism, he asked me for a favour: to take him to a local hospital for a blood test. It was nearly impossible in Srinagar to conduct a blood test because of the worst-ever period of curfew following the killing of Burhan Muzaffar Wani, a Hizbul Mujahideen commander. On that Chennai trip, he was particularly disturbed. He had travelled to Tral for Burhan's funeral and had come back shaken. 'No one from the media, us included, is any longer considered neutral. They [the youngsters at Burhan's funeral] think we are all promoting only the Indian agenda,' he told me, worried what would happen if this loss of trust spread across the Valley. He was equally worried about the anti-Muslim narratives that were being promoted in India and told me that the impact of these incidents on the people of Kashmir would be very bad.

'Shujaat was not merely a journalist, he was an intellectual. He knew the exact impact of a policy that was being drawn up. He had this unique ability to diagnose the impact of incidents in the State,' said K. Skandan, a Tamil Nadu cadre IAS officer, who was Joint Secretary (and later Additional Secretary) in charge of Kashmir in the Ministry of Home Affairs from 2007 to 2014, who had several interactions with Shujaat during his tenure. 'His intentions were very clear that there should be normalcy in the State and people should be in peace. He was a great unifier. He had the confidence of all stakeholders,' he added. You can do many things but getting traction in the Valley is a totally different thing because of the inherent scepticism and the suspicion that people harbour after being betrayed multiple times since Indian independence. '*Rising Kashmir* was getting traction. Because Shujaat had access to all stakeholders, was very independent and did not work for one group or the other,' says Skandan.

Naturally, he was a target of those who did not want peace in the State. He was well aware of this, and, after the first attempt on his life, took all basic precautions while venturing out. Shujaat once described his experience of being first kidnapped by militants owing allegiance to Pakistan, and then by militants owing allegiance to India. He was let off, but he said that the detentions made him realize that there was no black or white when it came to the question of the Valley.

Shujaat was clever enough to gauge the level of alienation of the people, as he did with great despair during the Burhan Wani burial. ‘What we lost is a man of credibility, who had his heart in the right place, who would give an honest opinion on a given situation based on facts alone. He was very concerned that violence, once unleashed would give space only to the extremist elements,’ says Skandan.

At the East West Centre’s Media Conference in Singapore on June 25, Shujaat was one of the six journalists honoured. ‘Since 1990, 21 journalists and media workers have been killed in Kashmir. On June 14, Shujaat became the 22nd on the list,’ said Dilrukshi Handunnetti, a Sri Lanka-based journalist and lawyer. ‘An editor, writer, scholar, linguist and a promoter of peace, Shujaat wore many hats, but journalism was his true form of worship . . . Shujaat’s *Rising Kashmir* has been shut down at least on three occasions. Reporting from a perilous location, the political playground for two countries, Shujaat raised a strong voice against the futility of “information curfews”. For all the glory associated with his brilliant career in journalism, Shujaat Bukhari was a man who knew he was targeted but relentlessly engaged in powerful storytelling from what he termed the “princely state” [where] two countries continue an endless geo-political war . . . Shujaat was deeply concerned that the Valley’s journalists were much like chroniclers of death and violence. They had to be lucky on a daily basis, surviving many adversaries – sometimes the government, police, the military and others,’ she added.

The Press Enclave in Srinagar is named after Mushtaq Ali, a journalist who was killed by a parcel bomb in 1995. ‘The guy who killed Shujaat was sitting just across from where Shujaat’s car was parked,’ said Nissar. After the three occupants – the two bodyguards and Shujaat had boarded the car, the

killer walked a few feet, and sprayed fire from his automatic weapon. Deliberate. There are four sets of bullet marks on the brick walls behind. Not a case of mistaken identity. 'This was very clear,' he added. Where the guy sat waiting for Shujaat is a huge banner now, with a picture of Shujaat.

The CRPF post nearby did not respond. 'There will be no reaction from them [CRPF]. They are more interested in protecting themselves and providing transit safety for their VIPs. They will not get into a local firing incident,' explained a senior journalist. 'There are no crossfires so to speak here. First the militants come, fire, and then they go. Then the security forces fire. It's possible that someone gets caught in either of these firings,' he added.

At the spartan offices of *Rising Kashmir*, the journalists narrated how the edition was brought out by ex-RK staffers on June 14. Almost the entire team of *Rising Kashmir* was in Kreeri, and it was around 10 p.m. that a decision was made that the newspaper had to be brought out. 'The entire community from the press enclave cooperated,' a senior journalist at *Rising Kashmir* told me.

In my interaction with the journalists of *Rising Kashmir*, they emphasized two things: that Shujaat did not meet Chief Minister Mehbooba Mufti to seek for additional security and, second, they were very amused by some writers who now pretended that they were his best friends. 'He met the Chief Minister because a few friends had organized the meeting after the government stopped advertisements to the paper. Shujaat was not keen on the meeting, but he was persuaded to meet the Chief Minister. Shujaat had argued against the need for the meet when the Chief Minister had not informed him of the decision, but he was prevailed upon to meet her,' the journalist said.

Shujaat was involved in several projects in Kashmir. One was the inter-Kashmir dialogue, the first leg of which was supported by PANOS, which brought the people of Ladakh, Jammu and Kashmir together because they, in the final analysis, were the stakeholders of the region. He believed that this dialogue needed to remain intact so that any misunderstandings among the people could be sorted out. There is a largely symbiotic relationship between the people of Kashmir and Jammu; in fact, most of the supplies to

Kashmir come from traders in Jammu. A smaller relationship exists between the Kashmiris and the people of Ladakh. Shujaat wanted these links strengthened.

The second relates to mental health issues of the people of the region. In April 2017, when I met him and former Air Vice Marshal Kapil Kak in New Delhi, Shujaat was concerned over the lack of mental health facilities in Kashmir. He wanted The Banyan, a Chennai-based organization that caters to mentally ill people, to engage in Kashmir, on the lines of what it was doing in a post-conflict area in Sri Lanka. He and Professor Vandana Gopikumar, founder of the organization, were drawing up a plan of action. That conversation ended abruptly.

The Dirty War in Kashmir

Simmering Valley

May 12, 2017

A few people, including former Union Home Minister P. Chidambaram, have flagged the apprehension that India is on the brink of losing Kashmir. Although such voices are in a minority, the reality dawned on the nation after Kashmir said an emphatic 'no' to elections.

The voter turnout in the April 9 by-election to the Srinagar Lok Sabha constituency was a meagre 7.14 per cent, marginally higher than the 5 per cent turnout in the November 1989 elections to the Baramulla and Anantnag parliamentary seats. Boycott of elections was possible in 1989 because militancy had just taken birth in the Kashmir Valley, but the violent disruption of the polling exercise in some pockets of Srinagar constituency in April 2017 showed the people's resistance to the democratic process, a process in which they had participated in 2002, 2008 and 2014.

Former Chief Minister and National Conference (NC) president Farooq Abdullah won the Srinagar by-election by a wide margin of more than 10,000 votes. The election was necessitated by the resignation of Tariq Hamid Qarra of the People's Democratic Party (PDP). He resigned in September 2016 in protest against what he called the brutality of the state against protesters in the Kashmir Valley. Qarra subsequently joined the Congress. In 2014, Qarra defeated Abdullah. In this by-election he campaigned for Abdullah as the NC is the Congress's alliance partner.

Such was the impact of the violence outside polling booths in Budgam, in which eight civilians were killed, that it led to the postponement of the by-election slated for April 12 in Anantnag. (The Anantnag seat fell vacant after Mehbooba Mufti, who is the State Chief Minister, relinquished it after she was elected to the State Assembly.) Tassaduq Mufti, the ruling PDP's candidate, requested the Election Commission of India in a letter that the

election be deferred to 'avoid further human loss'. It was to have been the electoral debut of Tassaduq, Mehbooba Mufti's brother. Following a word from the Union Home Ministry and a push from the State government, the Election Commission postponed the by-election to May 25.

Obviously, the decision to defer the election was the direct fallout of what happened in Budgam. Notwithstanding the fact that the separatist Hurriyat Conference has been calling for the boycott of elections since 1996, Kashmir has always recorded a good voter turnout. The voting percentage in the 1996, 2002, 2008 and 2014 Assembly elections was 53, 43, 61 and 66 respectively and it was 35, 39 and 50 in the 2004, 2009 and 2014 Lok Sabha elections.

The voter turnout prompted New Delhi to claim that the people of Kashmir had reposed faith in Indian democracy, and that in a way it 'authenticated the State's accession' to the Union. However, even mainstream parties such as the NC and the PDP have tried to delink people's participation in the elections from the political issue and argue that the elections were a success because of issues of governance such as 'bijli, sadak and paani' (electricity, roads and water). The biggest surprise by way of people's participation came in the 2011 local body elections when the turnout was nearly 80 per cent in some places.

The likes of the Hurriyat have always challenged this narrative to maintain that the people's mood *vis-à-vis* the political issue has not changed. The April 9 election in a way endorsed that view although the boycott was not completely in response to the call given by the separatists. There was simmering discontent, essentially rising from the unrest in 2016 when cries for 'azadi' rent the air, drawing new battle lines in Kashmir. The majority of the voters did not want the 'sham' election to take place in Srinagar. It is a fact that violence played a role in keeping the voters away from the booths, but the writing was already on the wall. The anger against the system, especially among the youth, had reached a crescendo. Also, there was a fear that the Valley may see a repeat of the prolonged agitation that took place from July 2016.

The involvement of Pakistan and militants in not allowing the poll exercise is nothing new for Kashmir, but the fact that this time it was the

people's will that disrupted the process cannot be ignored. Snapshots of the popular mood were already blazing on the horizon, with people putting up resistance to the presence of security forces during anti-militancy operations. In the last week of March, when a militant was trapped in Budgam district, people took on the security forces by pelting them with stones in order to help him escape. The militant was killed and three youths were also gunned down. Such incidents have become common in Kashmir and herald a new change on the ground.

Journalists who have covered Kashmir since 1990 would point out that those days people would run away from an encounter site, but today they run towards the encounter site. New Delhi has lost whatever space it had gained.

This fiasco brings out the abject failure of the administration. For a long time, the administration was aware of the situation, but mishandling Kashmir has become its hallmark. Given that there is no accountability, the first option is to fire the bullet to kill protesters, not to scare them away. The impunity with which the police and the paramilitary forces have responded to situations in Kashmir since 2008 has helped them to become indispensable because the political leadership has always shielded them.

MILITANCY

The agitation and the anger following the killing spree have formed a dangerous combination that is pushing the youth towards militancy. In the past few years, there has been a steep rise in the number of local militants. Earlier, the ratio of foreign militants to local militants was 70:30. Today, according to officials, it is just the reverse. According to official sources, the number of youths who joined militancy in 2010 was 54. It decreased to 23 in 2011. There was a further decline to 21 and 16 in 2012 and 2013 respectively, but the number went up to 53 in 2014 and rose drastically to 66 in 2015 and 88 in 2016.

In 2017, informed sources say, 19 youths joined the ranks of militants until March. Security officials admit that the hanging of the 2001 Parliament building attack case convict Mohammed Afzal Guru in 2013 was a turning

point as far as pushing the youth towards militancy is concerned. Kashmiris found themselves completely pushed to the wall following the hanging of Afzal Guru.

With the killing of Burhan Wani in July 2016 and the romanticism that his life story infused among the youth, more and more youths started joining the militancy. But that is hardly a concern on the ground as the youths who are taking on the security forces with stones are proving to be more dangerous than the actual militants. The youths, who once told former External Affairs Minister Yashwant Sinha that they did not fear death, have the capacity to put the forces on the back foot to the extent that the forces have lost their balance in dealing with them.

That the Army and paramilitary forces have failed to tackle the problem is clear from a video that has gone viral showing a young man being tied to a jeep and dragged through several villages, covering a distance of 22 kilometres. More such videos showing abuse and violence and forcing people to shout 'Pakistan Murdabad' have gone viral. Lt Gen. H.S. Panag, former Army Commander of the Udhampur-based Northern Command, admitted that the video would haunt the Indian Army and the nation for a long time to come.

A day before the video went viral, national television channels ran a video clip in which some youths were shown heckling a paramilitary jawan, and a lot of time was devoted to discussions on the video grab. But the video showing the youth dragged by a jeep completely overshadowed it, putting the Army in the dock. This incident not only shows that the forces have run out of options to deal with a crisis that is essentially political but also puts a question mark on the projects worth several crores of rupees being implemented under 'Operation Sadbhavna' in Kashmir. The distance between the people and the Army has further increased. The police registered a first information report against the Army, but the damage had already been done.

Whether policymakers in New Delhi agree or not, postponing the election following what happened on April 9 is viewed as 'surrender'. The argument that the postponement had saved many lives may be valid, but whether the government will be able to conduct the election on May 25 is a

big question. Apparently, this decision will embolden those who have been challenging the writ of the government.

The Joint Hurriyat Conference, which spearheads this new face of 'resistance' (irrespective of whether it holds the key), has claimed a moral victory and rightly so. New Delhi's surrender before the agitation by voters has made it vulnerable. Until now, it had been positioning itself differently and selling to the whole world the idea that democracy was flourishing in Kashmir. After the April 9 by-election and the postponement of the Anantnag election, it will have to explain what this turnaround means. Even leaders such as Farooq Abdullah, former Chief Minister Omar Abdullah and Congress State party president G.A. Mir have admitted that the political mainstream has lost the ground completely.

What is important to realize is that Kashmir has not been averse to any democratic process that helps address the political issue. The period between 2003 and 2007 stands testimony to the fact that Kashmiris believe in a process that is aimed at finding a solution to the problem. However, the past eight years have shown that the Centre only wants to make itself strong in Kashmir through the barrel of the gun. Threats and provocations in the past two years have complicated the situation.

The anger on the streets is the culmination of the Centre's dictates on cow and beef, its move to do away with the State flag, the setting up of a separate township for Kashmiri Pandits and also a Sainik Colony, and the Sangh Parivar constituents' decision to go to court to get Articles 370 and 35A scrapped.

Today, an average Kashmiri thinks of rising against this onslaught, and disrupting the elections was one way of registering his anger. The message that Jammu and Kashmir is a law and order issue has not gone down well with the people. Obviously, the absence of political engagement has made New Delhi pay a heavy price. But if the political grapevine is anywhere closer to the truth, the Central government does not think in terms of a political solution but believes that in the event of unrest, it is only a Kashmiri who loses his life. The election boycott and the violence that forced the Centre to postpone polling in Anantnag is a huge political statement, which can be hardly ignored.

Of late, militants have started increasingly targeting mainstream political activists. The ghost of 'unknown killers' seems to be returning to the Valley. The killing of a PDP worker in Pulwama and a lawyer affiliated to the NC has shaken these parties. Moreover, the Jammu and Kashmir Police are on the back foot after militants started targeting the families of its personnel. Although civil society actors fear that this might lead to a 'civil war' since thousands of families are associated with the police, there is no word from the separatist leadership, which always weighs all the options. Given the police's role in countering the unrest, people have been promoting disaffection towards them.

'We are doing our job,' said a police officer. But social media users have been criticizing the way the police are in the forefront of quelling the protests. The Director General of Police, S.P. Vaid, asked his men to avoid going to homes for some time. This has further complicated the issue and is seen as drawing new lines between the police force and the people.

The local police were given the credit for rooting out militancy with their active involvement, but the new-age militancy seems to be proving too difficult for them. It is the increasing ground support to the militants that has changed the dynamic of relations in the Valley. In the absence of a political engagement, the problem on the ground has been left to the security grid for resolution. But that is not going to work. That is why people are anxious about the coming summer.

Total alienation

May 26, 2017

On May 4, a few thousand troops threw a ring around 20 villages in south Kashmir's Shopian district. It was the first such 'show of strength' in more than one decade against the militancy, but the message was also for the civilians that their support for the militants would not be tolerated. The way the Army and the police moved into the area reminded one of a situation in the early 1990s when militants had almost wrested 'power' from the state and were roaming freely. The scene is not much different today, but the significant dynamic that those in authority need to take note of is that the people at large are against the anti-militant operation and are also doing everything they can to help the militants escape. This particular operation did not yield much, though an attack on an Army patrol left a civilian taxi driver (hired by the Army) dead and five soldiers injured.

As a top security official put it: 'The message was conveyed.' An operation like this was in the offing for some time as south Kashmir was seen in the recent past as a bastion of militants. Ironically, it was until recently the stronghold of the ruling People's Democratic Party (PDP), which won all the seats from Shopian and Pulwama districts in the 2014 Assembly elections. The Army operation also reflected how difficult the situation was in the region. Politicians have refrained from visiting south Kashmir, fearing attacks from militants or protests by people, though Chief Minister Mehbooba Mufti managed to visit the families of slain policemen in Kulgam on May 3 amidst heavy security. (The policemen were escorting a cash van of J&K Bank when they, along with some bank employees, came under attack.) Not many people were able to visit the family of ruling PDP district president Abdul Gani Dar, who was killed by militants recently. However, those responsible for VIP security said Ministers and senior politicians had themselves 'abandoned the area'.

Whatever the outcome, according to well-placed sources, the cordon around the villages in Shopian district, was in tune with the decision taken in New Delhi, where Union Home Minister Rajnath Singh reviewed the situation in three meetings in the first week of May. New Delhi is 'concerned' about the security situation, and is said to have given the 'go ahead' for a cleansing operation to establish the 'lost writ of the state'. The fear, however, is that this might result in heavy civilian casualties as well.

Shopian is the first place where the 'experiment' has been done, and the exercise will continue in the days to come. There was resistance in a few villages, but Deputy Inspector General of Police S.P. Pani told this writer that they 'got cooperation from some villages as well'. According to him, militancy is not the challenge, but a breakdown of law and order, in which people get involved and put up resistance, makes their job difficult. 'We want to avoid casualties and obviously that slows down our progress,' he said.

Pani believes that the situation in south Kashmir has been blown out of proportion. 'We have 88 local militants active in the area. It is not difficult to deal with them,' but the problem was that 'they are more connected with the people, thus attracting crowds to defend them,' he said. 'That, however, is a temporary phase and we will overcome that,' he added.

The confidence of the officers that they can regain control of south Kashmir may have taken a knock when the Election Commission cancelled the by-election to the Anantnag Lok Sabha seat (covering entire south Kashmir). It was scheduled to be held three days after the by-election to the Srinagar seat on April 9, but when eight people were killed in violence on election day, the PDP candidate and Mehbooba Mufti's brother Tassaduq Mufti sought postponement of the Anantnag by-election. The Election Commission postponed it to May 25, but when things did not improve, it put off the election indefinitely.

Many analysts saw this as unprecedented because even at the peak of militancy the Central government managed to hold elections. They saw the cancellation as surrender to the stone throwers and other protesters and a response to the increasing people's resistance to the electoral process, which witnessed a 65 per cent turnout in 2014. This was like a windfall for the separatists as their call for a boycott of elections in the past had been all but

ignored by the people. But the 7 per cent turnout in the Srinagar by-election and the violence on that day seemed to suggest that it was an expression of the people's disaffection with the state and also their disconnect with politicians.

The rise of militancy in south Kashmir, which had been declared a 'militancy free' zone in 2008, coincided with Burhan Wani's appearance on the stage during the past few years. His killing in July 2016 sparked unprecedented unrest in Kashmir that cemented the people's bond with secessionism that had seemingly taken a back seat. Though 2008 (the 'Amarnath agitation' following the controversy over transfer of land to the Shri Amarnath Shrine Board) and 2010 (killings by the Army sparked protests) witnessed a strong anti-India outpouring in Kashmir, drawing clear lines between Srinagar and New Delhi, 2016 took it to a new level. The security forces' attempts to quell the protests resulted in the killing of nearly 100 people, and the use of pellet guns led to injuries to thousands, with scores of them blinded.

GROWING ANGER

On the face of it, not much change could be seen in New Delhi's attitude. The result was that the recruitment of local boys into militancy continued and the anger against the state only increased with the use of brutal force by the security forces, apparently with the sanction of the political leaderships in New Delhi and Srinagar. This only led to increasing support for the militants to the extent that people resisted anti-militancy operations and cornered the Army, the paramilitary Central Reserve Police Force (CRPF) and the police by staging protests and throwing stones at them. A glaring example of the people's contempt for the state was an incident in the last week of March in the Chadoora area of central Kashmir's Budgam district. A militant got trapped and the civilian population rushed to save him, and in the confrontation with the security forces three young civilians died.

The incident cast a shadow over the April 9 by-election to the Srinagar Lok Sabha constituency, which covers the districts of Srinagar, Budgam and Ganderbal, leading to violence that claimed eight lives and dented the

electoral process. Those dealing with the situation in south Kashmir attribute the cancellation of the Anantnag by-election to the 'mishandling' in Budgam. 'We were not doing bad and we could have held elections, but the killings in Budgam set the tone for the rest,' said an official. Informed sources said it was administrative failure that led to the fiasco. Even as late as April 8 evening, the security forces had not been deployed for election duty. Normally the forces are deployed two days before polling day.

A complete failure of the police leadership is said to have contributed much to the situation slipping out of hand. 'When you post even station house officers on the recommendations of politicians and relatives of top political functionaries, this has to be the result,' said a top official who believes that 'money is playing a role in transfers and postings'. Recent incidents of looting of banks and snatching of rifles from the police have added to the 'lawlessness' and emboldened those who want the trouble to continue.

The police easily giving up their weapons to militants has happened after a long time. The State police took a long time to respond, possibly out of fear, to the armed rebellion that broke out in late 1989. Ultimately, it took on the militancy and virtually wiped it out. A similar situation has emerged, though not on a large scale. Looting of banks, killing of policemen and guards and snatching of rifles from policemen on guard duty have hit the morale of the police force. What added to the force's disappointment was the national media's outrage over the killing of an Army man and a Border Security Force (BSF) jawan on the border by Pakistani forces, while ignoring the killing of five policemen.

STUDENT PROTESTS

More than the militancy, it is the resistance of the people that seems to be the bigger challenge, as Pani pointed out. The political context of the problem is in full play and has been embedded strongly in the people's anger. The involvement of almost every section of society, the latest example of this being the widespread protests by colleges and secondary school students, against the state is attributed to the increasing atrocities against the people.

It all started with the arrival of an Army major in the Government Degree College, Pulwama, on April 15. He had gone there with a proposal of holding a painting competition. He was travelling in a Casspir vehicle, which is known for the impact it has made in conflict areas. (The Casspir is a mine-resistant, ambush protected four-wheel drive vehicle used to transport troops, and it offers the crew protection from small-arms fire.) That irritated the students, who pelted it with stones. An hour-long shelling by the police on the college premises, which left scores injured, made the situation worse.

This was enough to fuel anger across the Valley, with students coming out of their colleges and schools in large numbers. Even girls staged protests and for the first time were seen throwing stones at the police. Images of a girl student hitting a police vehicle with one hand while carrying a football in the other went viral on social media. Colleges and higher secondary schools were closed for 10 days and in many areas they were shut intermittently to prevent protests, which have become a routine now in educational institutions. The Kashmir University Students Union initially called for protests but later asked students to return to classrooms. The police claimed that in some institutions a militant organization was sustaining the protests through its 'strong' network. But on the face of it, the rage seems spontaneous, and considering the way in which boys and girls have linked it with the political conflict, the coming days may not see any let up.

Kashmir's violent politics has had major contributions from strong student movements. In the early 1960s, Al Fatah, an armed group of mainly students, challenged the Indian state. The Young Man's League, too, followed the same path. Though both fizzled out against the might of the state, organizations such as the Islami Jamiat-e-Talaba, the student wing of the Jamat-e-Islami, provided an ideological framework for the resistance movement. Those who raised the first banner of revolt under the Jammu and Kashmir Liberation Front (JKLF) in 1988 by embracing the gun as a means to get 'independence from India' were mostly members of the Islamic Students League, which was responsible for opposing two international cricket matches played between India and Australia and India and the West Indies in the mid-1980s.

As of now, there seems to be no organized structure in the youths' protests in Kashmir, but which way these young, impressionable minds, infused with hatred towards the Centre, may turn is anybody's guess. Youths constitute more than 65 per cent of Kashmir's population, and form a segment on which the political conflict has made a deep impact. With the Joint Hurriyat Conference, led by the trio of Syed Ali Shah Geelani, Mirwaiz Umar Farooq and Yasin Malik, finding it difficult to take control, there is no real leadership to take charge of the anarchic situation that is unfolding rapidly.

'Which way are our youths going?' asked a teacher at Kashmir University. 'It is a dangerous trend and we need to see who is responsible for this,' the teacher added.

The violence and its impact on the minds of youths over the last two decades have contributed to a belief that there is no scope to change anything. This belief has played an important role in their thinking that they cannot be agents of change in society. A study on Kashmiri youth by Oxfam in 2003 claimed that 90.38 per cent of the respondents were angry and the families of 63.44 per cent of the respondents were affected directly by the violence.

'Students demonstrated grave impacts of the violence, which were portrayed in their painting, writing and conversation,' the study revealed. 'The only collective activity possible in Kashmir is participation in weddings or attending parties at mosques.'

Similarly, Doctors Without Borders (Medecins Sans Frontieres), in a study, found a huge toll on the mental well-being of communities. It revealed that the suicide rate had increased by 400 per cent owing to the violence and '58.69 per cent of the youth had experienced traumatic events, most commonly gunfire and explosions'. While the influence of religion has increased significantly in the past 20 years, it has nevertheless failed to change the liberal outlook of society. A 2010 study by the Sociology Department of Kashmir University showed that 72 per cent of the respondents in the age group of 15-18 believed in religious tolerance and coexistence of religions.

A feeling of living under siege in their own homeland, coupled with economic deprivation and denial of participation in democratic processes, has led to dejection. This has ultimately forced these youth to get together to take on the police and other security forces on a large scale. Just one incident of fake encounter in the remote Machil area in 2010, in which the Army killed three youths, allegedly to get rewards and promotions, triggered a long cycle of violent unrest in the Valley, which finally ended with the killing of 120 civilians. Thirty-four of these mostly young men were between 11 and 20 years of age, and 44 were between 21 and 30. A smaller number, 16, were above 31 years of age and three were between five and 10 years of age. The highest number, 39, was of students and the rest were skilled/unskilled labourers and businessmen.

In 2008 and 2009, too, the youth had participated actively in the protests in the Amarnath land row and alleged rape and murder of two women in Shopian, widely believed to have been done by the state forces. However, an inquiry by the Central Bureau of Investigation gave a clean chit to the forces and maintained that the women had died of drowning. The participation of youths in these protests has been described by many as Kashmir's transition from violence to non-violence against the backdrop of an armed rebellion of 20 years.

A study conducted by the New Delhi-based Centre for Dialogue and Reconciliation (CDR) against the backdrop of the 2010 agitation makes the interesting observation that most of the youths had no political affiliation. 'An interesting observation is the response of the victims' families to the question on political affiliations. When families were asked if they, or those who were killed, professed any political affiliations, an overwhelming 78 per cent cited a complete lack of political affiliation. There have been a number of claims of who led and how the protests were sponsored or channelled, but insofar as the victims of the protests are concerned, neither they nor their families claim to belong to any one political faction' (CDR, 'Behind the Numbers: Profiling those Killed in Kashmir's 2010 Unrest').

What is turning out to be an alarming reality is that the youth do not listen to their parents even. And the social sanctity attached to anything one does against the state is making it more difficult for even the elders who

would like to counsel them against taking this path. 'Whosoever pelts the police with stones is seen as a warrior and those who get killed in the retaliatory action are martyrs. So the social sanction to any such action makes it amply clear how the situation has unfolded,' said a senior teacher in a college that was at the centre of protests recently. The political context is providing legitimacy to any such action.

ON BANNING SOCIAL MEDIA

In the absence of political engagement, the State government found that blocking social media was a means to counter protest. But it is turning out to be counterproductive. Under a government order, 22 social media sites were banned in April. However, people, though a small number, shifted to proxy servers to get connected. According to a top police official, Pakistan was fuelling protests by using social media sites, especially when there was an encounter. 'We identified as many 320 WhatsApp groups and more than 30,000 Facebook accounts/pages that originated in Pakistan,' he said. Whenever there was an encounter, they circulated emotional messages in these groups, especially in women's voices, pleading for rescuing militants. 'And this would work,' he said.

People swarm encounter sites and demand that the bodies of the militants be handed over to them. In the border district of Kupwara, thousands of people put up a stiff resistance during an encounter between the Army and a fidayeen group that had launched an attack and killed three soldiers in the last week of April. The people demanded the bodies of the slain militants who were Pakistanis. One civilian was killed when the Army opened fire to disperse them. When elections were held on April 9, the authorities banned the Internet, still eight people were killed in the violence that erupted that day.

Whatever is happening in Kashmir is not a law and order problem. It is the result of continuous denial by New Delhi on the political front and refusal of political engagement. The Agenda of Alliance (AoA) signed by the PDP and the Bharatiya Janata Party is committed to political engagement with forces such as the Hurriyat and even Pakistan, but the Central

government has said that for that to happen the situation should return to normal. This approach strengthened the separatist tendencies and discredited the mainstream political parties in the State, particularly the PDP.

Mehbooba Mufti, who once had a soft corner for the separatists, pleaded with the Centre to reach out to Kashmir, but to no avail. The perception that New Delhi will continue to follow the iron-hand method in Kashmir, using the Army and paramilitary forces to regain control, without showing any concern for the people, is getting stronger, but the human cost of that approach will be difficult to estimate.

Facts of a 'dirty war'

July 07, 2017

In 2015, a picture showing 11 Kashmiri youths posing with AK-47 rifles went viral on social media. Standing in the centre of the group was their inspiration, Burhan Wani, who changed the complexion of the militancy in Kashmir and reignited the anti-India movement even at the people's level. When he was killed in 2016, Kashmir erupted in an unprecedented unrest that locked down normal life in the Valley for about six months. Nearly 100 people, mostly young, were killed, thousands were injured and scores were blinded with pellets. It was a new Kashmir: this time people did not hide their emotions and rallied behind the militants.

On the face of it, Burhan Wani's death did not faze the Hizbul Mujahideen, the indigenous militant organization that had made a comeback after over a decade. The group that rallied around Burhan Wani had been hit by loss of cadre and affected by the preference Pakistan gave to organizations dominated by foreigners. Getting the local people to join the ranks of the organization apparently led to 'popular' support for militancy in general. Security managers in the Valley were taken aback in October 2015 when over 30,000 people turned up for the funeral of Abu Qasim, a Pakistani who led the Lashkar-e-Taiba in Kashmir.

Of the 11 young faces in that photograph who gave impetus to militancy in south Kashmir and attracted more youths into their organization, nine have been killed. Sabzar Ahmad Bhat, who was a close confidant of Burhan Wani, was the ninth in the group to be killed. His journey was also one that owed much to atrocities committed by the security forces. He was motivated to join the Hizbul Mujahideen after Burhan Wani's brother Khalid Wani was killed by the Army in the forests of Tral in 2015. Khalid Wani was not a militant but had, presumably, gone to see his brother. Though Sabzar Ahmad Bhat was picked to succeed Burhan Wani, he refused, paving the

way for Zakir Musa to become the head of the organization. Musa recently stirred a controversy when he announced that his organization would hang Hurriyat leaders for talking about a solution to the Kashmir problem that was not based on religion. As the outrage against his statement from the average Kashmiri became palpable, he modified his words, sparing Syed Ali Geelani.

Another member of the group, Tariq Pandit, has surrendered, and only Saddam Paddar is still free. Like most new recruits, the 32-year-old Paddar had never crossed over to Pakistan for arms training, and had been charged with stone-pelting before he joined the organization. He hails from the highly volatile Shopian district and is now seen as a possible candidate to head the Hizbul Mujahideen in the Valley since Zakir Musa's 'fate' is not known given that the organization, which operates under supreme commander Salahuddin in Pakistan, has also distanced itself from his views.

Notwithstanding the fact that the Hizbul Mujahideen suffered two successive major losses in 2016 and 2017, it still has the highest number of militants in its ranks. In south Kashmir alone, according to official sources, there are 112 militants, 99 of them locals.

The biggest cover the militants have is the people, who give them shelter and food and even help them escape from the security forces. Over a decade ago, local support to militants had waned and that was why their numbers had dramatically gone down. Today, the people of the Valley support the militants openly and it is obvious when people throw stones at the security forces during operations and come out in large numbers for their funerals. The practice of holding a shutdown when militants are killed is also back, and the Joint Hurriyat is finding it difficult to avoid it lest its leaders invite the wrath of the people.

Going by official figures, 282 militants are active in Kashmir today. Compare this with how deep-rooted militancy was in the mid-1990s, and one wonders what makes today's armed resistance so powerful that it gets the full attention of New Delhi's security establishment. A hysteria has been built up around the new-age militancy by both the security establishment and the national media (mostly TV channels), and their provocative approach is pushing more people into the ranks of militancy. Take, for

example, Chief of the Army Staff General Bipin Rawat's defence of the use of a Kashmiri man as a human shield and his description of the situation in Kashmir as a 'dirty war' that needs an innovative approach. This raises questions about the state's ability to deal with a situation when similar situations were handled without such fanfare in the mid-1990s. No doubt, the dynamic of public support has changed, but it is a 'war' that is being waged in Kashmir. Defence Minister Arun Jaitley recently said that there was a 'warlike' situation in Kashmir and General Rawat talked about treating stone-pelters on a par with militants.

DIFFERENT SCENARIOS

Even as it appears that Kashmir is lost to militancy and the hard-line approach is to 'crush' it, the scene is very different from what it was in 1996. Looking at what the Government of India told Mehbooba Mufti in reply to her question in Parliament in 2014, a comparison with the situation in 1996 seems out of place and also ridiculous. On August 8, 2014, she asked 'whether the number of militants operating in the State of Jammu & Kashmir has decreased since 1995 and whether the government has any proposal for the withdrawal of security forces for the civilian areas of the State'. In response, the Home Ministry said that the number of militants operating in the State of Jammu and Kashmir had considerably decreased since 1995. 'There were 6,800 (approx.) militants of different *tanzeems* active during the year 1996 in the State which has, however, reduced to 240 and 199 in the years 2013 and 2014 (January), respectively.' However, a former commander of a militant group says that the number of militants operating in 1995-96 might have been around 8,000 to 10,000.

According to official data, in 1995, around 4,390 militants were arrested and 1,332 were killed. In 1996, about 3,453 militants were arrested and 1,332 were killed. The highest number of militants killed was in 2001; a total of 2,421 were killed and with it militancy started declining. As 9/11 changed the world view about the Kashmir insurgency and Pakistan began to be engaged on the Afghanistan front, the number of infiltrations decreased so much so that the Army described 2015 a zero-infiltration year.

Apart from the support they seem to be getting from the general public, today's militants seem more committed than those who became militants in 1990, when all roads led to Rawalpindi. In most cases, a militant today has actually graduated from being a stone-pelter first. To begin with, the space for stone-pelters opened up because of the vacuum created by the absence of political engagement to address the larger issue. And the way the police have gone after them has consequently herded them into the ranks of militants.

With a bigger symbolic loss, the Hizbul Mujahideen may find it difficult to move on, though it has the numbers. But as long as people rally behind it, it will continue to make the state uncomfortable; two attempts by the Army to corner its members in Shopian backfired since the Army feared collateral damage. South Kashmir becoming the capital of militancy is the result of many complex realities, and pushing people to the wall on the political front is one of them.

But south Kashmir is also in the news because the militants themselves choose to be seen in public through social media. Burhan Wani became a poster boy for the militants as he repeatedly used social media though, as a senior police officer wrote soon after his killing, 'he had not fired a single shot'. Compared with the south, the situation is grimmer in the north, where there are, according to the police, 141 active militants, of whom 118 are foreigners and 23 locals. They, however, stay away from social media and do not hype up their presence. That is the stark difference between militancy in the north and in the south.

Whether the government can afford to use the stick alone to end the current phase is difficult to say, but more than any action of the government it is the 'war' as it is portrayed by TV channels that is causing more damage on the ground.

Chilling act

August 04, 2017

An attack on a bus carrying Amarnath pilgrims on July 10 has come as a chilling reminder of the grim security situation in the Kashmir valley. While the attack was projected as one aimed at triggering communal violence, the ground reality is that it is part of the larger security problem Jammu and Kashmir has been struggling with for the past few years. Of the seven pilgrims who were killed in the firing, five were women. It appears that they were unmindful of the risks involved in travelling in a private bus so late in the evening. When the news about the attack spread, it was, as usual, clothed in confusion.

The first version that came from the police was that the bus, which in fact was not part of the convoy of vehicles that had been provided security cover, was caught in a crossfire after militants attacked a police party. A subsequent version made it known that the bus was the target, although officials in the security grid are not yet ready to confirm that 'it indeed was an attack on Amarnath yatris and they were the real target'.

It is interesting to note that Botingoo (Anantnag), where the attack took place, is situated hardly 200 metres from an Army camp. Why the police came under attack first also raises questions. But the fact is that the police patrol the area as a matter of routine.

The public outrage over the attack, which was precipitated by the round-the-clock coverage of the incident on national television channels, made the State government act swiftly to ensure that investigation into the attack was done in a time-bound manner. In Srinagar, the police said that the Lashkar-e-Taiba (LeT), the Pakistan-based militant organization, was behind the attack. They even named its commander, Abu Ismail, as the mastermind.

Ironically, the LeT not only disowned the attack but also condemned it. Calling it a reprehensible act, LeT spokesman Abdullah Gaznavi told local news agencies: 'Islam does not allow violence against any faith. We strongly condemn such acts. India wants to sabotage the freedom struggle of Kashmiris; therefore, it uses such attacks to fulfil its nefarious agenda.' However, officials dismissed the statement saying that the intense reaction to the attack in Kashmir forced the organization on the back foot.

The police are going by the presence of militants in the area and are using the records of past events to accuse the LeT. One police officer said: 'Hizbul Mujahideen is not known for such attacks. This kind of targeted attack can only be the handiwork of the Lashkar.' The government has set up a special investigation team (SIT) headed by the Deputy Inspector General of Police, South Kashmir Range, S.P. Pani, to get to the root of the attack. Given his stint in the elite National Investigation Agency (NIA), he is not wanting in investigative skills. Informed sources said he would be assisted by a Superintendent of Police, two Deputy Superintendents of Police, and officers of other ranks. The SIT will also investigate the attack in which Station House Officer Feroz Dar was killed along with five others in June. 'It is difficult to divulge anything at this stage as the investigation has just begun. We have some leads and we are working on them. In 10 days' time, we may be able to reach some point,' Pani told *Frontline*.

CONFLICTING VERSIONS

A look at the conflicting versions that have emerged about the attack, shows why investigations on attacks such as these have never made any headway. One police official said that the militants 'are at liberty to choose their target and timing'. On June 25, the Inspector General of Police, Kashmir Zone, Munir Khan, sounded an alert about a possible attack on the yatra. The police say that the attacked bus was on its own. 'The pilgrims had completed the formalities of darshan on July 8 and later travelled to Srinagar and, after sightseeing trips, were moving out of security bandobast,' said Deputy Chief Minister Nirmal Singh.

In a way, the pilgrims had ignored the standard operating procedure set for the yatra. But that is not unusual as pilgrims, after completing their religious obligation, spread out to different areas for sightseeing.

The annual Amarnath pilgrimage is a huge project that involves months of preparation at the highest level of the State government. Scores of meetings take place under the supervision of the Governor, who heads the Shri Amarnath Yatra Shrine Board. An estimated 90,000 police, paramilitary and military personnel are deployed to ensure an incident-free yatra every year, and almost everything comes to a standstill in the areas of Pahalgam and Sonmarg (the two base camps on the yatra route), which remain a tourist attraction for three months in a year. Until July 12, that is, in 15 days since the beginning of the yatra on June 29, as many as 57,393 yatris had visited the Amarnath cave shrine. The number is expected to reach 2.5 lakh on August 7, the day of Shravan Purnima, after which the shrine will be closed until next year.

This is not the first time that militants have attacked the 40-day yatra. The biggest strike was in 2000 when 35 yatris were killed in the Pahalgam base camp. According to the police, the attack was carried out by the LeT. In 2001, an attack in Sheshnag claimed 13 pilgrims and in 2002 nine people were killed in a similar attack in Pahalgam.

How far the investigations into the latest attack will succeed in bringing out the facts remains to be seen given the fate of such investigations in the past. The July 10 attack presented a grim picture of a situation that has gone out of control, with militancy touching a new level.

AGAINST KASHMIRI ETHOS

A redeeming feature of the situation is the overwhelming disapproval of the attack voiced by Kashmiri society. Not only did the political class, cutting across the ideological divide, come together to condemn the attack in unequivocal terms, but civil society, the business community and the common people vehemently criticized the act, saying it was 'against our ethos'.

Civil society and business community members organized separate sit-in protests. Social media exploded with reactions and local newspapers condemned the incident in their editorials.

Chief Minister Mehbooba Mufti rushed to Anantnag at midnight to be with the victims. Opposition parties and separatist leaders minced no words in calling the attack a dastardly act. Syed Ali Geelani, Mirwaiz Umar Farooq and Yasin Malik, who have been jointly leading the separatist movement for the past one year, said in a statement: 'The incident goes against the very grain of Kashmiri ethos. The Amarnath yatra has been going on peacefully for centuries and is part of yearly rhythm and will remain so. Our heart goes out to the families of the bereaved and we express our heartfelt condolences.'

Mehbooba Mufti appreciated the people's response to the attack by saying that the spirit of Kashmiriyat is alive and that people have rejected such dastardly acts despite being victims of violence for decades. 'The vehemence with which every section of society, irrespective of ideology, condemned the killings shows that the ethos for which the State is known is intact and vibrant,' she said. Union Home Minister Rajnath Singh also saluted Kashmiris and their spirit.

The unity displayed by Kashmir in condemning the violence that targets a faith has certainly come as a silver lining in the darkness that has enveloped the Valley. The real challenge before the Central government is how to deal with the growing unrest that is resulting from the absence of a political approach to solve the Kashmir problem.

Will state violence against civilians stop? Is there a space for political dialogue to resolve the problem? People also want to know if an average Indian will oppose the violence unleashed against Kashmiris. Killing, maiming and blinding of Kashmiris by the police and other security forces have been the norm for some time. Unfortunately, it is being 'approved' as a policy to deal with Kashmir. Will Delhi reciprocate the gesture from Kashmiris in the wake of the attack on Amarnath yatris is the big question.

Tinderbox petition

September 15, 2017

A semblance of normalcy seemed to be returning to Jammu and Kashmir this year, despite intermittent lapses into violence such as the skirmishes that claimed nine lives on April 9, the day when elections were held for the Srinagar parliamentary seat. But if things appeared to be settling down, a new issue has cropped up to agitate emotions: that of Article 35A.

The unrest of 2016, besides leaving nearly 100 people dead, thousands wounded and many people blinded as a result of pellet injuries, had badly hit the State's economy and education. Tourism, which too continues to feel the impact, touched its lowest ebb this year.

The coalition government led by Chief Minister Mehbooba Mufti has been in the thick of fighting new-age militancy as the number of local youths joining the ranks of militants swelled up alarmingly. The Valley was rocked by agitations in 2008, 2010 and again in 2016. Now, it seems ready for another battle as the people fear that Article 35A, which has been challenged in court, must be saved and that its possible abrogation will have dangerous consequences for the Valley. The perceived threat to Article 35A has not only brought together arch rivals in the State's mainstream political parties but made separatists join the bandwagon of saving Article 35A 'at any cost'.

The Bharatiya Janata Party (BJP), which is part of the ruling coalition along with the People's Democratic Party (PDP), had agreed to the Agenda of Alliance with the PDP, which is committed to protecting the special status of Jammu and Kashmir as guaranteed through Article 370. Yet, in the three years of the Narendra Modi government, efforts have been made to delegitimize the political struggle in Kashmir and to deny that the problem in Jammu and Kashmir is a political one and needs a political solution.

Besides harping on a military solution by toeing a hard line and projecting Kashmir as a new hotbed for the likes of the Islamic State or Al Qaeda, it has launched a tirade against the special status of the State through its affiliates.

The BJP government at the Centre discourages all discussion on Kashmir as a political issue. The ruling party seems to believe that the entire State, including Pakistan-occupied Kashmir (PoK), is an integral part of India. The complete integration of the State in the Indian Union has been the BJP's political agenda. Article 370, which gives the State special status within the ambit of the Constitution, has been a thorn in the party's side. Yet it endorsed the Agenda of Alliance in order to be in power in the State.

The party and its affiliates are now trying to use the judiciary to push their agenda. We the Citizens, a non-governmental organization (NGO) patronized by the Rashtriya Swayamsewak Sangh (RSS), the ideological fountainhead of the BJP, has filed a petition in the Supreme Court to scrap Article 35A.

SIGNIFICANCE OF ARTICLE 35A

Article 35A was extended to Jammu and Kashmir through the Constitutional (Application to Jammu and Kashmir) Order issued by President Rajendra Prasad on May 14, 1954. It was specifically devised to grant protection to State subject laws that had already been defined under the Maharaja's rule and notified in 1927 and 1932. Only State subjects are entitled to own land in both parts of the State divided by the Line of Control (LoC), that is, including PoK. However, in Gilgit-Baltistan, which has been almost annexed by Pakistan, people do not have State subject rights any longer. This gives meat to the clamour for abrogation of Article 35A.

The significance of Article 35A is that it helps the State to retain a distinct character in terms of its residents. It actually protects a law that was passed by the Dogra monarch Maharaja Hari Singh during British rule to stop the influx of Punjabis into the State. The Maharaja passed the law reportedly at the behest of Kashmiri Pandits, who were powerful in the State at that time. According to the leading constitutional expert A.G. Noorani: 'Parliament of India has no legislative competence to make laws in respect of

J&K State subjects/citizens as defined by law and under Section 6 of the Constitution of J&K in respect of their immovable properties.’

With the legal battle under way, experts are raising more pertinent questions. One is that should Article 35A go, all the 41 Presidential Orders that came after the one adding the provision to the Constitution would be subject to legal scrutiny as they were all in essence amendments to the 1954 Order. The subsequent orders have extended 94 out of the 97 entries in the Union List to the State and applied 260 articles of the Indian Constitution to the State. These orders have also been used to erode the special status or the autonomy of the State from time to time. The Government of India has refused to file an affidavit to defend Article 35A in the Supreme Court and instead sought a larger debate. The issue acquires a new twist with reports that the original file containing all necessary information and notings regarding Article 35A and the Presidential Order of 1954 is missing from the Ministry of Home Affairs.

It is not known what the final decision of the Supreme Court will be. But there is an apprehension that it could be an adverse one, even though the State government is defending the law. The Supreme Court will hear the case on August 29, and a bench, which was hearing a similar/linked case with the next Chief Justice Dipak Misra on it, has indicated that it could be referred to a five-judge bench. There are at least five cases that are linked to the special status of Jammu and Kashmir and are pending in the Supreme Court and the High Court.

CHIEF MINISTER'S WARNING

Chief Minister Mehbooba Mufti was the first to warn against tampering with Article 35A. At a seminar in Delhi, she said if Article 35A was tinkered with, there would be nobody to shoulder the Indian flag in Kashmir. The entire opposition in the State, comprising the National Conference (NC), the Congress, the Communist Party of India (Marxist) and other regional parties, has come out in defence of the law. Former Chief Minister Farooq Abdullah chaired a meeting of the opposition on August 7 and warned of the consequences of abrogating Article 35A. ‘If the S.C. [Supreme Court] decides to scrap Article 35A, New Delhi will have to face the consequences

and be ready for the battleground. We will go to jail, do everything we can. They should be ready for it,' he said in an interview with this writer. With Mehbooba driving to Farooq Abdullah's residence to discuss Article 35A, the political equations in the State seem to be changing. The Chief Minister also met the Prime Minister and the Home Minister on the issue.

It remains to be seen whether the Government of India changes its stand on August 29, when the case is again listed for hearing. Former Chief Minister Omar Abdullah has taken the battle a step forward by saying that in case Article 35A was tinkered with, the larger discussion on the accession would be reopened.

The Joint Resistance Leadership (JRL), comprising Syed Ali Geelani, Mirwaiz Umar Farooq and Yasin Malik, has also warned of the consequences of a possible abrogation of Article 35A. For the first time, entities on either side of the ideological divide are on the same page. The concern is that the removal of Article 35A will help the BJP fulfil its long-standing dream of complete integration, which eventually will make it possible for people from other states to settle in Jammu and Kashmir. Whether the pro-India and anti-India forces will stage protests together is not known, but the case has set the ball rolling not only for a greater confrontation between New Delhi and Srinagar but also for a possible revolt. If that happens, it is going to be BJP versus the rest. Not only will it put Kashmir back on the boil, but the fate of the State government will become uncertain.

Zaffar Shah, a leading lawyer, says that such issues warrant political decisions. 'Such approach doesn't have people's support. Issues that can only be decided in a democratic manner can't be dealt with by the courts. It appears that this is being done with a design to take away the core sovereignty of the State of Jammu and Kashmir,' he said. Hurriyat Conference leader Mirwaiz Umar Farooq said that the aim was simply to change the State's demography: 'As this Article bars non-State subjects from settling and buying property in J&K, it is being challenged in a court with a view to alter the demography of the State by settling people from outside the State with the right to acquire land and property, and vote in the Assembly elections.' He added that this was 'basically aimed at reducing the 75 per

cent Muslim majority of the State to a minority and changing the basic character of the State in order to undermine and deeply affect its disputed nature. It is being done under a deliberate plan and is part of the much-flaunted “final solution” to the Kashmir dispute by the Indian state, led by the RSS.’

The mainstream camp headed by the NC has already initiated moves to bring Jammu and Ladakh into the fight, though popular opinion in Jammu is influenced by the BJP and the RSS. The political parties are seeking to send a message that removing Article 35A would be equally harmful for Jammu. Maharaja Hari Singh, who enacted the State subject law, was from Jammu and did this to contain Punjabi influence. ‘We will remind them about his vision *vis-à-vis* the State’s sanctity of a unique nature and they should follow,’ said the CPI(M) leader M.Y. Tarigami. Though political manoeuvring is on to project Jammu as being at loggerheads with Kashmir, the strike observed by Jammu chemists last year was significant. They protested against a government order allotting a contract to a non-State firm and called it an attack on Article 370. In Kashmir, demography tends to be at the centre of concern, but Jammu might think in economic terms and could revolt against forces hell-bent on robbing the State of its special status.

The issue has exposed the double standards of the BJP, which at once contrives to be in power in the State and also lends implicit support to erode its special status. The BJP will doubtless use the issue in the run-up to the 2019 general elections, but it has the potential of setting Kashmir on fire. Jammu and Kashmir is not like any other State. It has an international dimension. New Delhi is committed through the Simla Agreement to resolving the issue with Pakistan, albeit bilaterally, but the dynamic of the problem is not as simple as the current government seems to think it is.

Might is right

October 27, 2017

On September 11, Home Minister Rajnath Singh spelt out the contours of a plan of engagement in Jammu and Kashmir. He said that a permanent solution to the Kashmir problem was based on five Cs, which he would define as 'compassion, communication, coexistence, confidence building and consistency'. Buoyed by an apparent change in the situation on the ground, he hoped that a solution would be found soon. On the face of it, he seems to be serious in doing something on the political front as had been indicated at the height of the 2016 summer uprising when he tried to reach out to the separatist camp. However, the hard-line approach of the Bharatiya Janata Party (BJP)-led government at the Centre seems to have stalled any such move, and Rajnath Singh found himself isolated in view of the strong lobby that advocated and pursued a security-oriented approach.

Although he has failed to explain the nature of the solution, the combination of expressions looks exciting if it is followed in letter and spirit. But, there seems to be no forward movement, forcing one to ask 'why, where, when, who and whom?' as the experience of three years of the Narendra Modi government suggests that nothing has been done to follow up on any of the Cs his Home Minister talked about. The effort has only been to delegitimize the political context and content of the agitation in Kashmir, which is centred around a resolution of the problem. If we look at 2016, compassion has been missing and, by its own admission, the Central Reserve Police Force (CRPF) fired 1.3 million pellets on people in a matter of a few months. The pellets have left scores of boys and girls without eyesight. There was hardly any move to compensate the losses that people suffered. Compassion would have been to own the people and strike a chord with them. Instead, the use of brute force was justified by one and all.

Communication has been missing. The line of communication has been kept open only with those who do not challenge India's rule in Kashmir. By gathering the pro-India political parties again and again to understand the Kashmir problem, the government has been defeating the idea of communication with the people of Kashmir. Shutting the door on those who have been spearheading the resistance against the state has not been helpful in the past and the same would be the case with the present and the future. By not engaging in a political dialogue with forces such as the All Parties Hurriyat Conference, the Government of India is also giving them an excuse to not do anything. Having a line of communication and putting their ability to test would have helped people think about the capacities of the leadership, but that perhaps cannot come without communication that has no precondition.

There is no coexistence on the ground. Particularly in the past few years, the effort has been to isolate the community. New Delhi has defeated the idea of Jammu and Kashmir being an 'integral part of India' on the ground by not showing any respect for coexistence. Use of military power, that too, indiscriminately against the civilian population, putting them under curfew for 54 days at a stretch, and protecting those who commit human rights violations are some of the hard facts that talk about a different existence. People at large have challenged the state in every nook and corner, youths have demonstrated their hatred, and the craving for a political solution is visible. That state of affairs clearly shows in black and white that ideas do not coexist on the ground.

Confidence-building measures have been another casualty. Confidence has been shaken for a long time now. Deploying more and more forces does not help to build confidence; it dents the very essence of it. Confidence comes from measures that are aimed at addressing the concerns that are directly linked to people's existence, their daily life, and their rights. The government's loss of confidence in the people has dealt a severe blow to any process of reconciliation. When institutions fail to deliver justice, there can be no hope of confidence building. By treating the people as the 'other', confidence-building measures can become far-fetched and that is how it has played on the ground. The finest example of confidence building *vis-à-vis* Kashmir was when former Prime Minister A.B. Vajpayee took a giant step

by extending a hand of friendship to Pakistan from Srinagar on April 18, 2003. This gesture was followed by opening the roads between the divided Jammu and Kashmir, starting trade exchanges across the Line of Control (LoC) and allowing people on the borders to live peacefully. This was accentuated during the tenure of the United Progressive Alliance government led by Prime Minister Manmohan Singh. But these confidence-building measures have not been strengthened, making the idea of confidence building a mere slogan.

Consistency is the only requirement in dealing with an issue like Kashmir. No matter what happens, foreign policy has to be consistent. But in the case of this issue, the flip-flop is evident. Yes, there is consistency but that is in respect of a hard-line approach that squeezes the space for dealing with the issue politically. The Modi government has exhibited a lack of consistency ever since it came to power. The Home Minister's assertions may not be worth rejection but they need to be followed up with pragmatism.

Not only Rajnath Singh, but the BJP's point man on Jammu and Kashmir, Ram Madhav, has spoken of dialogue. On September 21, he said in Srinagar: 'We have said from the beginning and we have maintained that our doors are open to all the stakeholders in the State, they are welcome to come and have dialogue with the State government; whoever wants to talk to the Central government, we are open to dialogue.'

On the face of it, the statement is encouraging. But the moot question is who is moving in that direction? The issue of preconditions should apply to both sides and the initiation of such a process is the responsibility of the State that is facing the challenge on the ground. Ram Madhav is also the architect of the Agenda of Alliance (AoA) that helped stitch the 'unnatural' coalition between the BJP and the People's Democratic Party (PDP). The issue of sustained engagement with both Pakistan and the Hurriyat is very much included in that.

So far there has been much talk about talks, but in practical terms nothing has been done to initiate any process of political engagement. That is why one is compelled to posit the five Ws to know what the five Cs mean.

NO SERIOUSNES

Although Rajnath Singh and Ram Madhav have talked about dialogue, the way the Government of India has dealt with the issue in the past three years does not suggest any seriousness in opening a dialogue process. Kashmir witnessed unprecedented public protests in 2016 that resulted in the death of nearly 100 people and injuries to thousands. The use of pellets resulted in injuries to scores of young boys and girls, and many of them lost their eyesight. This led the *New York Times* to headline the story on the issue as 'An epidemic of "dead eyes" in Kashmir'. This serious situation was followed by a number of non-governmental initiatives to reach out to political leaders and civil society to bring an interface. One group led by an agricultural scientist, M.J. Khan, with the senior journalist Shahid Siddiqui and the defence expert Qamar Agha as its members, visited the State twice.

This group apparently had the patronage of Rajnath Singh. However, there was hardly any movement forward. Although it is 70 years since India became independent, those who visit Kashmir are still in the process of 'understanding the issues'.

CG INITIATIVE

The biggest breakthrough on this front was the initiative called Concerned Group of Citizens (CCG) led by former Union Minister and BJP leader Yashwant Sinha. Accompanied by Air Vice Marshal (retd) Kapil Kak, former Chairperson of the National Minorities Commission Wajahat Habibullah, the journalist Bharat Bhushan and the activist Sushobha Barve, he made three visits and brought out reports on each visit reflecting the real stories from the ground. Yashwant Sinha's visit to Kashmir in October 2016 helped a great deal to ease the situation as people attached some importance to it. Since he is a senior BJP member, the impression was that he might have a mandate from the government. That is why he had access to even hard-line separatist leaders such as Syed Ali Shah Geelani and Mirwaiz Umar Farooq who wanted to stress that they were not averse to dialogue if New Delhi was serious and would not put any condition. The group did not mince words in

its reports and highlighted the groundswell of concerns emanating from every nook and corner of Kashmir. People reposed faith in its members and interacted with them.

But nothing came out of the visit as the Modi government did not recognize the group's effort; perhaps it did not want any dilution of its hard power policy *vis-à-vis* Kashmir. Yashwant Sinha was forced to state publicly that Modi denied him audience when he wanted to brief him on Kashmir.

'I am hurt. I am absolutely hurt. That you ask for time, 10 months has gone by. Let me tell you, ever since I have been in public life, no Prime Minister of India, starting with Rajiv Gandhi, has ever said no to a meeting I have sought; no Prime Minister has said to Yashwant Sinha I don't have time for you,' a deeply disturbed Yashwant Sinha told *The Wire*, a news portal. 'And this is my own Prime Minister who has treated me like this. So if somebody rings me and says please come talk to me, sorry, the time has passed, I have been treated shabbily,' he added.

His 'soft approach' towards the situation earned him animosity in the government and his open confrontation with Modi earned him brickbats. He turned bitter and was forced to say that India had emotionally lost Kashmir. 'I am looking at the alienation of the masses of people in Jammu and Kashmir. That is something which bothers me the most. We have lost the people emotionally. You just have to visit the Valley to realize that they have lost faith in us,' Yashwant Sinha said, going by his interaction with people.

When it is 'difficult' for a government like that of the BJP to be soft on Jammu and Kashmir on which its stand is known, the non-governmental approach could have paved some way for a dialogue, which the state apparatus could have used further. But in discrediting the efforts of eminent people, the hard-line policy is clearly visible. Against this backdrop, the 'offers' made by Rajnath Singh and Ram Madhav do not hold much promise.

By denying room for dialogue, the Modi government has reinforced its policy of a military approach to the Kashmir situation which could only provide more opportunities for extremism and violence. It has also discredited its coalition partner in the State, the PDP, which had dialogue

and reconciliation as the basis of its politics in the State. The PDP today has lost its space and goodwill as right-wing forces, such as the Rashtriya Swayamsewak Sangh (RSS), supported by the BJP, are out to meddle with the special status of the State. Gunning for Article 370 and Article 35A in the Supreme Court shows that the RSS and the BJP have not given up their stand on Kashmir. The BJP's compromise on the AoA was perhaps a ruse to take power in the State. Kashmir may present a semblance of normalcy, but the simmering discontent and the sense of despondency is very much visible on the ground. This is a political bomb that can explode with even a minor trigger.

Mission without mandate

January 19, 2018

The appointment of Dineshwar Sharma, former Director of the Intelligence Bureau (IB), in October 2017 as the Government of India's interlocutor for Jammu and Kashmir came at a time when hard power was a foregone conclusion as far as the government's approach towards the State was concerned. Sharma's appointment came as a pleasant surprise though it did not hold much promise for breaking the political deadlock. Nevertheless, many people in the State, particularly in Kashmir Valley, which is the centre of political dissent, responded positively to this 'gesture'.

Sharma has made three visits to the State so far and talked to many people, including those who do not challenge the State's accession to the Indian Union. They are leaders from mainstream parties such as the National Conference, the People's Democratic Party (PDP), the Congress and the Bharatiya Janata Party (BJP). Besides his engagement with the 'usual suspects', Sharma travelled to south Kashmir, the hotbed of anti-India uprising, and met the youths.

His latest visit, which began on December 23, focused on north Kashmir and Jammu. He repeatedly stated that he was open to talks with anyone and that he wished to bring back peace in the State.

The constant refrain of the people he met was that the daily grind of humiliation and intimidation should end. The other repeated demands were the repeal of the Armed Forces Special Powers Act and an end to blatant misuse of the Public Safety Act (PSA). Sharma would have to take these sentiments into account in shaping the road map for peace in Kashmir.

When his name was announced as interlocutor for Jammu and Kashmir, Sharma sounded out of touch with reality although the IB he had headed knows the ins and outs of the State and is perceived to be largely responsible

for the Kashmir mess. He talked about not allowing Kashmir to go the way of Syria and also preventing the youth from getting radicalized. To Kashmir watchers, this sounded amusing as there could be no comparison between Syria and Kashmir, given the government's claim that there is normalcy in the Valley.

Radicalization of youths on the basis of religion is a much-hyped expression which immediately gives one the impression that Kashmir is a franchise of the Daesh, or the Islamic State. However, two months after his appointment, meetings with a cross section of people have perhaps convinced him not to focus on issues that do not have an international linkage.

After his meeting with the people of Pulwama, Sharma told reporters: 'I met a lot of people and I am satisfied with my visit. I am sure I can call the visit a positive one.'

However, meeting delegations that raise issues for which the State government have to find a solution may not be a satisfying situation for him. What can be termed as a significant outcome of his visit thus far is the general amnesty granted to 4,500 youths. Chief Minister Mehbooba Mufti said the cases against the youths would be withdrawn under a general amnesty, which is seen as a recommendation by Sharma. In 2016, the police booked nearly 11,500 youths under different categories, following the six-month-long unrest which claimed 100 lives. The affected families see the decision to withdraw the cases as a positive step, but politicians from the separatist and mainstream camps do not think so. At the same time, people are sceptical about the implementation of the amnesty decision since the State's credibility as an institution is at a low ebb. In 2010, Omar Abdullah's National Conference government announced amnesty to arrested youths, but the decision was not implemented fully on the ground. The amnesty may give Sharma scope to further create the space to reach out to the people, but that space has been narrowed to such an extent that an individual who has baggage of the past may not be in a position to manoeuvre.

Sharma is conscious of his past association with the IB and that is why he told the Press Trust of India on November 5 that he would like to be judged by his actions.

‘Nothing has changed since I was there for the first time. Kashmiriyat, which means compassion and brotherhood, has not changed even an iota. Therefore, I am hopeful that I will be at least able to contribute towards a new Kashmir, a peaceful valley where prosperity will be the order of the day,’ he said, adding, ‘I do not have a magic wand, but my efforts must be judged with sincerity and not through the prism of the past.’

Notwithstanding the assertions of both Union Home Minister Rajnath Singh and Sharma that the interlocutor was free to meet anyone and as such there was no precondition, Sharma’s mandate is still missing. The terms of reference mentioned in the order issued by the President of India giving Sharma the rank of Cabinet Secretary are yet to come. Not only does his mandate lack clarity, but a section of the BJP leadership, including a vocal Minister in the Narendra Modi government, limited the scope of Sharma’s work by maintaining that there was no issue called Kashmir.

That is why the impression that gained ground was that the appointment of an interlocutor was yet another half-hearted initiative by the Government of India and that its timing was linked to United States Secretary of State Rex Tillerson’s visit to India. Since the US has expressed concern over the deteriorating bilateral relations between India and Pakistan and sees Kashmir as a factor in this, the nudge to begin talks must have come from Washington. Otherwise, what was the hurry to appoint Sharma as interlocutor 24 hours before Tillerson’s visit?

A political analyst said: ‘It certainly was to ward off the pressure from the US and send it a message that New Delhi was talking to the Kashmiris.’ Since Modi had been facing pressures on the domestic front over demonetization, Goods and Services Tax and much more, his government could not afford to have Kashmir as another front. Otherwise, the engagement with both the Hurriyat Conference and Pakistan is part of the Agenda of Alliance (AoA) the BJP agreed upon with the PDP in the State in 2014 and it should have started since then.

It is interesting to note that the exercise is aimed at understanding Kashmir and its problems. Even after 70 years of Independence and that too after the people of Kashmir have starkly demonstrated what they want, New Delhi is struggling to see what the problem is. New Delhi has failed to

understand Kashmir as a conflict that needs to be approached politically with the aim of finding a solution. In the past three years of National Democratic Alliance (NDA) rule at the Centre, every effort has been made to make Kashmir look like a security problem that can be handled only by using military power. At one point of time, Kashmir certainly looked like it was caught in a war-like situation as the number of local militants continued to increase and encounter killings became a routine. Even now, there has not been any let-up in armed conflict although the government maintains that there are only 282 militants active in Kashmir. What is more alarming is the social sanction the armed struggle has received in the past few years, and this is evident from the fact that thousands of people attend the funerals of militants.

Although militancy is the ground reality, its political reason cannot be ignored. Continuous denial of this reality has exacerbated the interest of the young in militancy. Sharma's appointment, irrespective of whatever the result, is an admission by New Delhi that hard power alone cannot work in dealing with Kashmir. Even if this realization has been thrust upon it, there is no other way out. However, lack of serious efforts to reach out to the separatists has made this initiative somehow irrelevant. Asking them to come if they want to talk is not perhaps the way conflict resolution processes are dealt with the world over.

Engagement with the Hurriyat Conference, which represents the political dissent, is needed to lend credibility to such a process. But before that, the government unleashed a war on it by arresting most of its middle-rung leaders under the National Investigating Agency's 'war on terror funding'.

It looked as if the Government of India wanted to force them into submission and hold the dialogue under duress. When the NDA government in 2004 initiated dialogue with the Hurriyat Conference, it was under a framework and was not an open invitation. That dialogue also could not survive the vagaries of conflicts of interest, but the process looked dignified. In the present situation, the interlocutor has not devised any specific road map for dialogue with those who matter.

Certain quarters are advocating dialogue with even the United Jihad Council headed by Syed Salahuddin on the pattern of the process seen in Nagaland and Mizoram.

HURRIYAT DILEMMA

If New Delhi lacks sincerity and seriousness in the political engagement, the Hurriyat Conference, led by the Joint Resistance Leadership (JRL) comprising Syed Ali Geelani, Mirwaiz Umar Farooq and Yasin Malik, too, lacks the acumen to deal with the situation.

The trio outrightly rejected dialogue although they talk about the need for it day in and day out. With no proper invitation to sit at the negotiating table, they rejected an appointment with Sharma. Kashmiris have been asking for dialogue, so representing the people in finding a solution should be the main task of the JRL and not indulging in rhetoric, which has been the case for long. Here, the influence of Pakistan is not ruled out.

Many believe that Islamabad holds the key to any decision taken by Hurriyat leaders. Although not verified, on the face of it there is hardly any doubt that Pakistan plays a role in Kashmir. It is a fact that New Delhi has not come out with a mature approach to Jammu and Kashmir's political problem. The challenge for the Hurriyat Conference is how to fit itself in the process.

There are already fissures in the leadership as Prof. Abdul Gani Bhat, a former chairman of the Hurriyat Conference, has given the impression that he is interested in dialogue. A national daily reported he had met Sharma. Bhat denied this. But he faced ouster from the Muslim Conference, an ally of the Hurriyat Conference faction led by Mirwaiz Umar Farooq. Bhat's 'willingness' to hold talks makes a dent in the stand of the JRL on dialogue with New Delhi.

Another leader, Javid Mir, who was part of the Mirwaiz faction has quit the party. He did not cite the dialogue as a reason, but it is believed that he also wanted to test the waters. In case New Delhi moves forward by pushing

measures such as amnesty to the arrested youths, it might help change the atmosphere.

The JRL would then have a difficult task on hand. If some sources are to be believed, at least two leaders in the group of three are willing to engage in dialogue but one holds the veto.

BROKEN PROMISES

Why does Sharma not get a warm response from even those who strongly believe in the process of dialogue? An answer to this can be found in the history of New Delhi's interlocution. Ever since 1947, New Delhi has appointed point men and made promises to Kashmir that have been only broken. The long list of broken promises and betrayals has disillusioned the people of Jammu and Kashmir so much that they hesitate to repose trust in the process.

When friction started between India's first Prime Minister Jawaharlal Nehru and Jammu and Kashmir's Prime Minister Sheikh Abdullah in 1953, Nehru sent his Education Minister, Maulana Abul Kalam Azad, to broker peace with Abdullah. But soon Sheikh Abdullah was dismissed and jailed.

In 1964, when the Holy Relic of the Prophet Muhammad was stolen from the Hazratbal shrine, Nehru sent Lal Bahadur Shastri and subsequently IB Director B.N. Mullick to defuse the crisis. In 1970, Indira Gandhi sent the diplomat G. Parthasarthy as her emissary to Sheikh Abdullah to broker the Indira-Abdullah Accord of 1975. Power was restored to Sheikh Abdullah, but nothing was done to restore the eroded political autonomy.

Again, in 1984, Indira Gandhi dismissed Farooq Abdullah as Chief Minister and replaced him with his brother-in-law G.M. Shah. It took J.D. Sethi to broker peace between Prime Minister Rajiv Gandhi and Farooq Abdullah, bringing the latter back to power in 1986. After an armed rebellion broke out in 1989, Kashmir went into unprecedented turmoil. George Fernandes and Rajesh Pilot made forays to win over Kashmiris.

The A.B. Vajpayee government appointed K.C. Pant in 2001 and Arun Jaitley in 2002 as interlocutors for Jammu and Kashmir. Nothing came out

of that exercise. They were followed by N.N. Vohra, the current Governor of the State, who established contact with various groups but no tangible movement was witnessed. During Vajpayee's tenure, however, a breakthrough of bringing separatists to the negotiation table was achieved, with former Research and Analysis Wing chief A.S. Dulat as his point man. With India-Pakistan relations hitting a new low after the 2008 Mumbai attacks, whatever was 'achieved' went down the drain.

What has, however, been questioned off and on is the implementation of the reports of the five working groups set up by Prime Minister Manmohan Singh (2004-09 and 2009-14), which were aimed at addressing both the internal and external dimensions of the problem. Not a single recommendation of these was taken up. The last one was in 2010 when a three-member team of interlocutors, comprising Dileep Padgaonkar, Radha Kumar and M.M. Ansari, was set up. The team laboured to prepare a report, which has been consigned to some cupboard in the Home Ministry.

In fact, New Delhi has buried its credibility under a mound of reports and a long list of interlocutors without implementing any of their recommendations. Sharma has a stupendous task on hand as he carries this baggage. Without having a clear political mandate, he may not even reach the level of reporting on how the problem infests the situation. As of now, the initiative lacks political direction. That is why the refrain in Kashmir is do not do anything to fail Sharma because New Delhi is known for failing such processes in the past.

Shopian and the fault lines

March 16, 2018

The Jammu and Kashmir government and the Army have once again locked horns over the killing of civilians. This time, the battle was directly taken to the Supreme Court, which, in the first such instance, stayed a first information report (FIR) lodged against one Major Aditya Kumar of 10 Garhwal Rifles. Much before the magisterial inquiry could reach a conclusion and the initial investigation by the police began, the apex court came into the picture.

It all started with the death of two young men who fell to bullets fired by the Army's 10 Garhwal unit in Shopian district of south Kashmir on January 27. An Army spokesman said that the soldiers fired after a mob of nearly 250 people threw stones at them.

The tone and tenor of the press release issued by the Defence spokesman in Srinagar suggested that the soldiers opened fire because they thought that they were about to be lynched and were terrified. This is not the first time that such a justification has been put forward for such a gut-wrenching incident. However, the plea of an Army unit firing in self-defence at a mob armed with stones shows the Army in a poor light. The young men were shot in the head, and this method was used as the first and only option.

An examination of what happened that day suggests that this drastic step could have been avoided. Emotions were running high as a militant had been killed in the area three days earlier. A team of the 44 Rashtriya Rifles, a counter-insurgency force, had visited the area to remove posters and black flags (of ISIS) from the graveyard where the militant was buried. It beat a quick retreat as young people started throwing stones at the personnel.

In the middle of this, an admin convoy of 10 Garhwal passed by. This unit had been called during the Amarnath pilgrimage and had stayed put

like many other units had. Without assessing the situation or its sensitivity, it pressed forward, which led local residents to think that the unit was conducting a cordon-and-search operation and that 44 Rashtriya Rifles had called for reinforcement.

More people gathered to put up a resistance. They kept throwing stones and a standoff developed. But the only 'solution' that the Army's company commander could come up with was to open fire and kill two civilians. Nine people were injured. Police officers said that the Army unit had ignored the ground situation, thus inviting trouble. The outrage was genuine and on expected lines. Why did the Army ignore this and choose to open fire as the only option? The expectation must have been that it would get away with it since previous inquiries had not been helpful in punishing the guilty.

PROBES & RESULTS

As usual, the State government ordered a magisterial probe. Chief Minister Mehbooba Mufti asserted that the investigation would be taken to its logical conclusion, at the cost of snubbing her coalition partner, the Bharatiya Janata Party. The BJP members of the Legislative Assembly demanded the withdrawal of the FIR lodged against the Army unit and its major.

There is nothing new about a magisterial probe being ordered. Successive governments have done this to douse the initial fire. Since the armed rebellion broke out in late 1989, the government must have ordered nearly 400 magisterial probes into human rights violations, mostly at the hands of the police and the armed forces. But there are hardly any that can be cited as having been completed or in which the guilty were punished.

In the Hawal massacre of May 1990, 56 civilians were mowed down by the Central Reserve Police Force (CRPF) in what became a classic case. An FIR was registered, but the case is not closed and the investigation remains incomplete. There have been an estimated 65,000 FIRs registered since 1990, but no major action has been taken.

From time to time, the government has admitted in the State legislature that probes have not been completed. According to a government report, in 13 years (2003 to 2015) 180 probes were ordered, but most of them were not

concluded. The incidents include custodial killings, firing at civilians, gang rapes, fake encounters and massacres by the security forces.

According to the Jammu and Kashmir Coalition for Civil Society, a human rights organization, the State ordered 33 probes in 2003, 25 in 2004, 21 in 2005, 11 in 2006, and 12 in 2007.

Its report said: 'Since 2003, the State has ordered 168 probes and not even once the inquiries have led to the prosecution of any armed forces personnel.' Justice (retd) M.L. Koul took 19 months to complete the investigation into the killing of 120 people in 2010 during Omar Abdullah's chief ministership. He handed over the report to the current Chief Minister, but its findings are yet to be made public. Faith in these investigations and confidence in the state as an institution are hence abysmally low.

AFSPA AND ARMY ACT

The call for revoking the Armed Forces Special Powers Act (AFSPA) has been growing louder with each passing day. AFSPA has derailed the course of justice when it comes to not only probes ordered by the State government but also those conducted by the Central Bureau of Investigation (CBI). The Pathribal fake encounter case is an example.

In almost all cases, AFSPA has come in handy for the Army to evade prosecution. Ironically, in the Pathribal case, instead of losing their jobs after a foolproof CBI inquiry, the officers concerned were promoted. The same happened with the 1993 Bijbehara massacre, in which Border Security Force (BSF) personnel were indicted but eventually let off. The latest case is the Machil fake encounter: a court martial held an Army officer guilty of killing three innocent civilians in a fake encounter in 2010. The Armed Forces Tribunal stayed his punishment since the Army Act gives even offenders absolute powers.

Unfortunately, the Army has made AFSPA a matter of prestige. When former Home Minister P. Chidambaram brought certain amendments to the Act, they were stalled by the Defence Ministry, and the Army proved to be more powerful than the political leadership. The Army has used the Act as

cover to shield its own from investigations. Even in civil courts Army officers choose to remain absent. For magisterial probes they do not even respond to summons. The full cover that the Army enjoys under AFSPA and the Army Act makes these probes meaningless.

Essentially, whenever the security forces commit human rights violations, twofold legal provisions hamper accountability. The personnel concerned can choose to be tried in the forum they desire, and in most cases they choose court martial. Secondly, particularly after the Supreme Court decision in Pathribal, there is the issue of sanction for prosecution.

According to official figures, between 2001 and 2016, the Defence Ministry received from the State government 50 requests for sanction for prosecution against armed forces personnel involved in alleged rights violations. Sanction was denied in 47, while three cases are still pending.

The following are the relevant sections of the various laws regarding prior sanction for prosecution of members of the armed forces.

Section 45(1), Code of Criminal Procedure (CrPC): 'Notwithstanding anything contained in Sections 41 to 44 (both inclusive), no member of the Armed Forces of the Union shall be arrested for anything done or purported to be done by him in the discharge of his official duties except after obtaining the consent of the Central government.'

Section 197(2), CrPC: 'No court shall take cognizance of any offence alleged to have been committed by any member of the Armed Forces of the Union while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the Central government.'

Section 7, AFSPA: 'Protection of persons acting in good faith under this Act. No prosecution, suit or other legal proceeding shall be instituted, except with the previous sanction of the Central government, against any person in respect of anything done or purported to be done in exercise of the powers conferred by this Act.'

Interestingly, so far AFSPA has not been invoked. The need never arose because the Army Act protects the interests of soldiers adequately.

Ironically, erring Army personnel choose civil courts when it comes to accidents, as they fear stern punishment from Army courts as discipline is violated. But in cases of human rights violations, they prefer court martial.

There is a classic case in which an Army major was punished and dismissed from service with a sentence of seven years in a court martial, but he later went to civil court. Captain Ravinder Singh Tewatia and SPO Bharat Bhushan were found guilty of raping two women at their home in Banihal in Doda district on February 14, 2000.

Two separate charge sheets were filed in the court of Chief Judicial Magistrate, Banihal, and finally the court martial confirmed the crime and the captain was punished. He, however, went to the district court, which did not give him relief. He challenged it in the High Court, which set aside the court martial verdict. But the Army went into appeal before a division bench; the case is pending.

Both the Army and BSF Acts are silent about the victim's right to defence in Army courts. In the Pathribal case, no relative of the victim was allowed to speak.

Of late, the Army has been receiving support from some TV channels that openly justify killings such as the ones in Shopian. Hashtags such as #StandwithArmy have made the media a part of the state apparatus as they treat every incident in Kashmir as terrorism.

NATIONALISM VS TERRORISM

TV debates on this particular case made it look like it was an instance of Kashmir (including the ruling People's Democratic Party, or PDP, and the opposition National Conference, or NC) versus the Army. Children were brought to TV studios.

In a first instance of its kind, a father came to his son's rescue by moving the Supreme Court, bypassing the Army as an institution. Filing an FIR is purely within the jurisdiction of the local station house officer, but in this case even the Defence Minister was brought in into discussions on whether she had given 'permission'. Mehbooba Mufti is an elected leader who also

holds the Home portfolio. But the media questioned her credentials, and she was disparaged as a pro-Pakistan Chief Minister.

Meanwhile, those supporting the Army would justify what the 10 Garhwal unit did in Shopian. 'My regimental unit 10 Garhwal Rifles [was] involved. The unit has perhaps maximum experience in dealing with situations in the Valley. It would never fire without reason,' Lt Gen. (retd) Ata Hasnain, former Commander of Srinagar-based 15 Corps, wrote on Twitter. He also said: 'AFSPA gives no immunity, unlike what people try to make of it. But only the Central Govt. can order prosecution. There is simply no immunity from investigation. This aspect was overlooked in 1990 when the experience of hindsight of proxy war conditions was not there.'

Stating that the Army was not supposed to shoot to kill, Lt Gen. (retd) D.S. Hooda, who until recently headed the Northern Command in Udhampur, said: 'The soldiers are told to shoot below the knees and ideally that should happen, but in situations like these [in Shopian], when they are under attack, these conditions do not exist. Expecting the soldiers to have the "order approach" and control is of little impact.'

There may be debates over whether young people are justified in venting their anger by throwing stones. But justifying unabashed killings has drawn a clear line between New Delhi and Srinagar. The BJP, which is part of the ruling coalition in the State, has also made it clear that it favours complete immunity for the Army. The PDP, meanwhile, follows a carrot-and-stick policy. In such cases, the two coalition partners are not on the same page. There is no hope from a probe like this but the fact is that two young men lost their lives.

This is unfortunately the new normal in Kashmir.

Uneasy spring

March 30, 2018

Kashmir is again sitting on a powder keg as militants have made an effective comeback, putting security forces on tenterhooks. If in 2016 it was the mass uprising that kept Kashmir engaged and in the news, 2017 and the first quarter of 2018 have witnessed high-profile attacks by militants, ringing alarming bells and pointing to a disturbed summer ahead. Militant presence has increased, and militant activities to target security forces have intensified. Those dealing with the situation admit that the challenges in keeping militants at bay are manifold. The growing popular support for militants is significant – a large number of young people have joined the ranks.

JAISH FACTOR

The focus has now shifted to the Jaish-e-Mohammad (JeM), the militant organization which specializes in ‘fidayeen’ (suicide) attacks. These attacks have a surprise element, and the forces are caught unawares, which leads to high casualties. The latest attack, on the highly fortified Army camp in Sunjwan near Jammu on February 10, was carried out by the JeM’s ‘Afzal Guru Squad’, named after Afzal Guru, who was hanged on February 9, 2013, in Tihar Jail. In the past one year, the Jaish has carried out four high-profile suicide attacks – on district police lines, Pulwama (August 27); the Border Security Force camp at Humhama near the airport (October 3); the Lethpora camp (January 1, 2018); and the Sunjwan camp.

The Jaish’s rise in Kashmir militancy has been meteoric. But it appeared to be inactive for some time before the recent spurt in attacks. Security officials explain this as ‘a deliberate move by their handlers in Pakistan to use them at a convenient time’. The JeM’s recent attacks were carried out

chiefly by the Afzal Guru Squad. Attaching Afzal Guru's name to the attacks is a tactical move: it helps attract more local Kashmiris to the fold. For example, two Kashmiris, Fardeen Khandey and Manzoor Baba, carried out the January 1 attack on the Central Reserve Police Force (CRPF) at Lethpora. In Kashmir, the JeM's local cadre have played a pivotal role in consolidating the group's position.

One of the most important figures who rejuvenated it was Noor Mohammad Tantray alias Trali, famously known as a 'four-feet commander'. He was motivated by one of the senior commanders, Shah Nawaz Khan alias Gazi Baba. Gazi Baba was involved in the December 2001 Parliament building attack and was killed on August 30, 2003, in an encounter in Srinagar. Trali, a long-time foot soldier of the JeM, was killed on December 25, 2017. He had been let off on parole in July 2015 and told not to come back alive. Soon after, he rejoined the JeM and rebuilt the organization. Officials say he was trusted by the Jaish leadership because of his management skills.

The outfit launched one of the first attacks by the Afzal Guru Squad on an Army camp in Mohra, Uri, on December 5, 2014, a day before the anniversary of the Babri Masjid demolition. Ten soldiers were killed. Several other attacks followed.

JeM chief Masood Azhar's call to young Kashmiris to 'die for Islam and Kashmir' seems to have worked. Members of the squad have successfully attacked several targets, from Tangdhar near the Line of Control (LoC) in Kupwara to Pathankot in Punjab, and now in Jammu. Azhar was himself in the custody of security forces from 1994 until the Atal Bihari Vajpayee government released him and two other jailed militants in 1999 in exchange for the passengers and crew of Indian Airlines flight IC 814, which was hijacked to Kandahar. Soon after his release, Azhar broke away from his parent organization, Harkat ul Ansar, and founded the JeM, mostly operating out of its base in Bahawalpur in Pakistan. In the past few years, he has managed to change the complexion of his outfit by recruiting local Kashmiris.

This is why the security establishment sees the JeM as a challenge in fighting militancy. Police sources say that at least 30 new JeM militants have

managed to infiltrate the State, and six of them have the capacity to coordinate and carry out attacks like the one at Sunjwan. The JeM, they say, has changed the pattern of violence and ‘that is worrying’.

The impact of the Lashkar-e-Taiba (LeT), which was active on the ground for a long time, has not faded away. But senior security officers say the JeM’s *modus operandi* has outdone that of both the LeT and the Hizbul Mujahideen. According to these officials, the LeT has ‘for the time being been sidelined by Pakistan and the focus is on Jaish to make us nervous’. The LeT, however, got a shot in the arm recently when one of its militants, Naveed Jutt, managed to escape on February 6 from Sri Maharaja Hari Singh Hospital in Srinagar, where he was being treated. Jutt has joined the militant ranks and he recently posted a video with Hizbul Mujahideen militants.

JAIL CRISIS

Jutt’s escape triggered a ‘reform’ in the Central Jail in Srinagar from where he had been escorted to the hospital. Senior officers confirmed that the Central Jail had been under the scanner for some time and senior police officers were writing to the Home Department about the ‘lapses’. ‘But you know how things work here. Nobody bothers until we face something,’ an official said, showing a letter written to the Home Department and the Director General of Prisons cautioning that the activities taking place in the jail were inimical to the security of the State. Soon after Jutt escaped after killing two policemen, the government shunted out Director General of Prisons S.K. Mishra and suspended Jail Superintendent Hilal Rather. A new team was placed in the jail to ‘plug the loopholes’ and ‘put an end to the militant cell operating inside’. Consequently, the government shifted 42 high-risk prisoners, including Ashiq Hussain Faktoo alias Mohammad Qasim, a militant ideologue serving life imprisonment, and Shafi Shariati, a scholar and biographer of the hard-line separatist leader Syed Ali Geelani. Twenty-five Pakistani militants were also shifted out and lodged in the Hira Nagar and Udampur jails in Jammu. The Joint Resistance Leadership (JRL) comprising Syed Ali Geelani, Mirwaiz Umar Farooq and Yasin Malik called for a day-long strike in protest. Qasim is married to the hardliner Asiya

Andrabi, who is pro-Pakistan and is the chief of the women's outfit, Dukhtaran-e-Millat.

INFILTRATION AND RECRUITMENT

Another cause of concern for the security establishment is the infiltration and fresh recruitment. Though both have shown a decline in the first three months of 2018, security officers are keeping their fingers crossed. With the guns roaring on the LoC and the international border, they fear that ceasefire violations will be used to push in more militants. 'Last year we witnessed the highest infiltration in recent years, and this year, too, there have been attempts. They will try to push people in with the onset of summer,' a top Army officer said, adding: 'We have reports that people are waiting at launch pads.' Pakistan has been constantly denying involvement in preparing and sending militants over.

The biggest challenge, however, has been the increase in local recruitment in recent years, and that attracts local support. Security experts are of the opinion that Afzal Guru's hanging gave an impetus to local militancy, with anger among young Kashmiris spurring them to join the militant ranks. This trend accelerated after 2016, when Burhan Wani, a young Hizbul Mujahideen commander from Kashmir, was killed in an encounter with security forces. The numbers speak for themselves. On February 6, Chief Minister Mehbooba Mufti told the Jammu and Kashmir Assembly that there was a 44 per cent jump in local people joining militancy in 2017 (126) as compared with 2016 (88). According to the data provided in the Assembly, 54 Kashmiri youngsters joined militancy in 2010; 23 in 2011; 21 in 2012; 16 in 2013; 53 in 2014; and 66 in 2015. For officers who deal with militancy, local people are certainly a concern, but at the same time they point out that 'they [local people] do not have many weapons and that is why you see rifle-snatching incidents'.

Most of the local militants are with the Hizbul Mujahideen and are currently led by one Riyaz Naikoo in south Kashmir. Burhan Wani had become a poster boy for militancy and attracted a large number of young people. Most of the 126 local men who joined militancy in 2017 operate in

south Kashmir. Security officials estimate that the total number of militants operating is between 200 and 280. 'Militancy is not the issue; the concern is that they have local support, and the funerals of militants attracting thousands is testimony to that,' said an officer, adding: 'What worries me is the social sanction to violence.' The cause, he said, was political. On the other hand, seven boys have returned to normal life on the appeal of their parents.

Notwithstanding the barricades being erected by people when forces arrive in a village to take on militants and the stone-throwing incidents at encounter sites, the forces have managed to kill a large number of militants. As part of 'Operation All Out' in 2017, all the wings of counter insurgency, including the Army, the CRPF and the Jammu and Kashmir Police, put up a united front against militants. A record number of 216 militants were killed in 2017, against 108 in 2015 and just 36 in 2016. Until March 7 this year, the forces killed 19 militants, again a high number in two months. Casualties have also been rising on the side of the armed forces.

The Jammu and Kashmir Coalition for Civil Society, a human rights watchdog, said in its annual report: 'As many as 450 persons, including 124 armed forces, 217 militants, 108 civilians and one Ikhwani were killed in the conflict. The year witnessed the killing of 124 armed forces personnel, which makes the ratio of militant-armed forces killings 2:1.'

Kashmir has also been in the news for its connection to the Islamic State (IS) and Al Qaeda. Zakir Musa, one of the commanders in south Kashmir who parted ways with the Hizbul Mujahideen, declared himself leader of a new outfit, Ansar Ghazwat-ul-Hind, in July 2017. In a statement titled 'Foundation of New Movement of Jihad in Kashmir', released by an Al Qaeda-linked information network, Ansar-Ghazwat-ul-Hind declared that after the martyrdom of the 'heroic mujahid Burhan Wani, the jehad in Kashmir has entered a stage of awakening as the Muslim nation of Kashmir has committed to carry the flag of jehad to repel the aggression of tyrant Indian invaders, and through jehad, and with the aid of Allah only, we will liberate our homeland Kashmir'. Both the Hizb and the LeT dismissed it as part of 'Indian conspiracy'. Officials, too, are not attributing much

importance to this 'Al Qaeda' connection and say that Musa's insignificant presence is no 'cause of worry'.

The latest debate over the presence of the IS in Kashmir was triggered after Amaq, the propaganda wing of the IS, claimed responsibility for an attack in which a policeman was killed on February 25. Both the Ministry of Home Affairs and the Jammu and Kashmir Police quickly rebutted the claim. 'There is no presence of IS in Kashmir but this claim has to be investigated,' said Director General of Police S.P. Vaid. 'There could be a possibility that the individual [who carried out the attack] is influenced by IS ideology. But, there is no IS presence in Kashmir.' Another senior officer, who is associated with counter insurgency, said that such things were aimed at drawing attention. 'IS cannot be here. A few individuals might fancy the ideology but there is no question of a structural presence here,' he said, adding that the attack on the police was carried out by the Tehreek ul Mujahideen and that one Eisa Fazili, who ran away from Baba Ghulam Shah Badshah University in Rajouri, abandoning his M.B.A. course, was behind it.

Spring started on a sad note in Kashmir, with the death of four civilians in Army firing in Shopian on March 4. A close watch is being kept on how summer unfolds. Both militants and the security forces are said to be in combat mode, which will eventually lead to unending unrest. The lack of political engagement has created a huge space for violence, and that is what New Delhi has refused to look at.

Disturbing Division

May 11, 2018

The horrific rape and murder of an eight-year-old girl from the Muslim Gujjar-Bakarwal community in Kathua district of Jammu and Kashmir has added to the festering problem of communalization the State has been facing for a long time. The incident brought out a sinister side of the problem as at one point of time it looked as if rape were a legitimate weapon to take on the community. Although the whole of Jammu did not rally behind those who, in many ways, tried to protect the perpetrators of the crime, the silence of the majority gave an impression that the politics was well played. The turning point in the case came on April 9 when lawyers in Kathua tried to prevent the crime branch of the Jammu and Kashmir Police from filing a charge sheet in court in connection with the case. The Jammu Bar Association also called for a bandh on April 11 on the matter. Both these appalling developments displayed a high degree of insensitivity. The lawyers in Kathua and in Jammu echoed the 'sentiment' of the newly formed Hindu Ekta Manch (HEM), which was riding on victimhood by saying that since the accused were Hindus, they were being 'framed' by the Crime Branch of the Jammu and Kashmir Police, which had many Muslim officers, including its head, Inspector General of Police Syed Ahfadul Mujtaba.

The horrifying rape and murder of a woman in Delhi in 2012 led to strong protests from all members of civil society and brought radical changes in India's anti-rape laws, but in the Kathua case, the child's assault and death are being used by Hindutva groups to communally polarize the State. The Bharatiya Janata Party (BJP), which is part of the coalition government led by the People's Democratic Party (PDP), also played a role in giving 'sanction' to communalizing the rape and murder. But it had to bite the dust after tremendous public pressure at the regional, national and international levels forced it to ask two of its Ministers, Chandra Prakash

Ganga and Lal Singh, to resign. Both the Ministers had joined a rally organized by the HEM.

COMMUNAL CARD

The body of the eight-year-old child was found on January 17. She had been missing for a week, during which time she had been raped and murdered. Her family alleged that the police had done little to find her. After the Gujjar community erupted in protest, the case was handed over to the Crime Branch, which arrested two special police officers. One of them has been accused of direct involvement in the murder. However, the charge sheet filed by the Crime Branch states that the main accused in the case is 60-year-old Sanji Ram, a retired government employee. Four police officials have also been accused: special police officers Deepak Khajuria and Surinder Kumar, who have been charged with direct involvement in the crime, and a sub-inspector, Anand Datta, and a head constable, Tilak Raj, who have been accused of helping to cover up the crime.

The communal card was played by local Hindutva groups and political parties from the day the case was handed over to the Crime Branch. The HEM, which was formed to defend the accused, came into being on January 23. Its members had no qualms in announcing publicly that the crime was a Hindu versus Muslim issue and took out rallies to seek the release of the accused. It is unlikely that scenes in support of an alleged rapist, such as those seen in Jammu since January, have been witnessed elsewhere. A few women even held a hunger strike demanding that the case be transferred to the Central Bureau of Investigation (CBI).

Indeed, this is the prime demand of those agitating in favour of the accused. They claim that this will ensure that the investigation into the crime will be impartial. And this is where the fault lines become clear.

First, why is the Jammu Bar Association stressing on an investigation by an agency controlled by the Union government when the State's Crime Branch has already completed its investigation and even filed a charge sheet? Is the demand for a CBI probe to ensure a fair probe or to thwart justice? The Bar Association, which came under flak from both the Supreme Court

and the Bar Council of India (BCI) for thwarting the process of justice, has suspended the strike but reiterated its demand for a CBI probe.

The BJP supported this demand. This was evident from the presence of Chandra Prakash Ganga and Lal Singh at the HEM rally on March 1. Both the Ministers had vociferously echoed what the HEM was saying and raised serious doubts about the Crime Branch probe, initiated earlier by its former head, Additional Director General of Police Alok Puri, who retired on February 28.

The BJP could not resist the temptation to ignite emotions on the basis of religion when the demand for a CBI investigation found support within the Union government. Jitendra Singh, Union Minister of State in the Prime Minister's Office, who is the Lok Sabha member from Udhampur, which includes Kathua, said in Jammu on February 22: 'If people feel that they do not have faith in the police or Crime Branch investigation and the case needs to be handed over to the CBI, I don't think there is any problem in handing over the case to the CBI. If the State government does so and recommends it to the Centre, we will definitely act on it.'

As late as April 17, he repeated the same position even as the BJP was trying to distance itself from the demand. 'We have no problem in handing over the case to the CBI even today if the State government makes a reference to it,' he told mediapersons in Jammu. This was in contrast to the BJP's assertion that it did not support Lal Singh's demand for a CBI probe. Lal Singh took out a rally on April 17, three days after his resignation, reiterating that the probe should be handed over to the CBI.

What the BJP Ministers seem to forget is that the BJP is in power in Jammu and Kashmir and that the Crime Branch is the investigations wing of the Jammu and Kashmir Police, which takes its orders from the State government. Additionally, the Crime Branch already has a professional team of officers dealing with the case, and the State police is headed by Shesh Paul Vaid, who is from Jammu. Ramesh Kumar Jalla, the Senior Superintendent of Police (SSP) who headed the team, has an unblemished record of professionalism to his credit. A response to the 'fears' about the Crime Branch probe, however, came from the only female member of the Special Investigation Team (SIT), Shwetambari Sharma, who also hails from Jammu.

She said that they completed the investigation against heavy odds, referring to the hurdles created during the process. 'The people we believed were involved in the gruesome rape and murder of that eight-year-old angel, and their relatives and sympathizers, including a multitude of the lawyers, left no stone unturned to disrupt our investigation. They went to the extreme of our humiliation and harassment. But we stood our ground firmly till the end,' Shwetambari Sharma, the Jammu-based Deputy Superintendent of Police in the Crime Branch, said.

Lal Singh and his colleagues also need to answer this question: If the Jammu and Kashmir police can be hailed for successful counter-insurgency operations in which they kill militants, why can they not be trusted to handle the Kathua rape and murder case?

The CBI investigated the Pathribal fake encounter case of 2000 and proved that five civilians who were killed by the Army after the massacre of 35 Sikhs in March 2000 were innocent. But the Government of India refused to prosecute the Army personnel. In the Kathua case, a Union Minister has supported the call for a CBI investigation. But given that the investigating agency comes under the Centre, how can it be ensured that action will be taken?

THE MOTIVE

The rape and murder of the minor was to be used as a tool to harass the Gujjar-Bakarwal community in the area and 'get rid of it'. Sanji Ram, the alleged mastermind, had planned it 'meticulously' and guided the gang, according to the charge sheet. He also paid a bribe of Rs 4 lakh to two police officers to cover up the crime by destroying evidence.

There has been animosity towards the Bakarwal community for a long time. The community members, who are mostly Muslim in these parts of Jammu, are a small minority in Kathua district. In Rasana village, which lies in the Hiranagar area of the district, Hindu residents and Muslim herders regularly clash with each other, with Hindus alleging cow slaughter by Muslim herders and damage to their crops by the herders' livestock. The

acrimony has already led to several cases in local police stations. But this case was to be used to teach them a lesson once and for all.

The charge sheet reveals that at least two among the accused are believed to have held personal grudges against the Bakarwal community. One of them is Khajuria, who had got into a 'few scuffles' with the Bakarwals. The minor, too, had to take revenge as he had been beaten for his 'unruly behaviour' by some community members.

VOTE-BANK POLITICS

It is now clear that the major factor in the agitation in support of the alleged rapists is not about faith in the State police but vote-bank politics. This factor has driven politicians in the State to openly defend the accused. Almost all Jammu-centric parties, with their eyes on their vote banks, have remained non-committal on the matter, their silence obliquely endorsing the heinous crime.

Although the Congress has not officially made its stand clear on the matter, one of its spokespersons attended a meeting called by the Jammu Bar Association on April 8 in which all issues, including the demand for a CBI probe, were discussed and the call for a bandh was made.

It is also disturbing to see civil society in Jammu silent on the matter.

With condemnation coming only from Muslim areas of the Hindu-dominated Jammu division and from the Muslim-majority Kashmir Valley, the crime has become a perfect example of the communalization of rape. Only a few voices from Jammu have called for justice in the case without looking at it as a Hindu versus Muslim affair. Some exceptions like Rekha Choudhary, a distinguished political scientist, made it clear that it was all about justice for an eight-year-old.

'This case has shaken the conscience of Jammu. Irrespective of religion or community barriers, people are expressing shock and horror. Time to say, no more politics and no more communal appropriation of the issue. Only empathy for the family and demand for speedy justice,' she wrote on Facebook on April 14, triggering a debate. Others like Anuradha Bhasin, a

journalist, and Ellora Puri, an academic, also came out in support of the campaign for justice. But a clear-cut opposition to those who openly came out in support of the accused on the premise of a CBI inquiry did not come. Many people linked the case to the 'larger issue' of apprehension of a demographic change in Jammu. The lines were clearly drawn as to how it must be dealt with.

In a way, the situation is reminiscent of that in 2008, when Kashmir and Jammu were divided on similar lines over the Amarnath land row, which started after the State government decided to transfer forest land to the Amarnath Shrine Board. Land is an emotive issue, and one could understand the emotions at that time. The beneficiary in the Assembly elections held that year was the BJP. But in the Kathua case, the move to defend an alleged rapist and murderer has made the entire politics around it murky.

The Hindu-Muslim divide in Jammu and Kashmir became official in 2014 when parts of Jammu division voted en masse for the BJP, giving it a majority of the seats in the region. But the fact is that the Congress party, which ruled the State in alliance with both the PDP and the National Conference, has also played a role in dividing the State along communal lines. The Congress perhaps sowed the seeds and the BJP is now reaping the benefits, pushing its rival into oblivion.

Amid all this, the stance of the Jammu Chamber of Commerce and Industry has shown maturity. The industry body exhibited its sense of responsibility when it distanced itself from the bandh call given by the Jammu Bar Association. 'It is their unilateral decision,' said the body's president, Rakesh Gupta. His stand was widely hailed in Kashmir. But the manner in which events have shaped the discourse around this rape and murder serve as a grim reminder of the dangers of using religion for politics and what happens when these lines are blurred.

Since Jammu has a history of communally surcharged atmosphere right from 1947, politics is also played here on these lines. In fact, the Congress has also been playing the same card when it comes to elections. Kashmir's domination has been the biggest ploy for the parties that apparently plead the 'Jammu cause' but it eventually turns into dividing the State on

communal lines. Although Jammu showed a sense of accommodation and inclusiveness when it came to opening up its space for both Kashmiri Muslims and Pandits in early 1990, of late it has been used purely for furthering vote-bank politics.

Now that the BJP has been forced to recall its Ministers, it will find it tough to live up to its promise of giving 'azadi' to Jammu from Kashmir leadership. The way Chief Minister Mehbooba Mufti stood her ground on the issue by ensuring the arrest of all the accused and not entertaining the demand for a CBI probe has also put the BJP in a tight spot.

The usual issues of Article 370 and Article 35A, which appeal to its vote bank, have also got buried. The handling of this case has backfired on the BJP, putting it in trouble in Jammu.

As of now, the BJP is the loser. Calling for a CBI probe without showing respect to State institutions such as the Jammu and Kashmir Police, it has burnt its fingers and it will be difficult for the party to do a course correction soon.